

Right Conflicts and Institutional Balance in Access to Litigation Archives

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Abstract: The system for accessing litigation archives is undergoing a critical transition from a "management-oriented" to a "rights-oriented" paradigm. This transition has triggered profound rights conflicts: on one hand, the public interest embodied in judicial openness—such as the right to know and the right to supervise; on the other hand, the individual rights of litigation participants—such as personal dignity and the right to informational self-determination. These rights collide intensely within the medium of litigation archives, forming a complex pattern of rights conflicts. This paper delves into the jurisprudential dimension, first clarifying the nature and normative foundations of the right to know and the right to privacy, revealing that they are not simply oppositional but involve a dynamic balance of legal interests. Applying Larenz's theory of interest balancing and Alexy's principle of proportionality, this paper constructs a "three-level analytical framework" for rights conflicts: definition of the scope of rights, assessment of the degree of interference, and review of justifications. Based on this framework, the paper conducts a jurisprudential examination of China's current system, revealing deep-seated issues such as "normative ambiguity", "procedural deficiencies," and "illusory remedies." Drawing on Germany's theory of "informational self-determination", the U.S. standard of "reasonable expectation of privacy", and Japan's legislative technique of "differentiated disclosure", this paper proposes a balancing mechanism centered on the principle of proportionality: establishing the legitimacy of "openness as the rule" at the purpose level; achieving "layered and classified" refined disclosure at the means level; and constructing a closed-loop system for "rights remedies" at the procedural level. Ultimately, the system for accessing litigation archives should evolve from "institutional

balance" to "jurisprudential integration," safeguarding the public's right to know while profoundly respecting personal dignity.

Keywords: Litigation Archives; Judicial Openness; Right to Know; Right to Privacy; Conflict of Rights

1. Introduction

In August 2021, the "Personal Information Protection Law of the People's Republic of China" came into effect. Article 34 of the law explicitly stipulates that state authorities must handle personal information in accordance with laws and regulations, and must not exceed the scope and limits necessary for performing their statutory duties. This provision places higher demands on the court's system for accessing litigation archives. In recent years, with the advancement of digital court construction—from the "single-set system" reform of electronic case files to the systematic construction of judicial openness standards—achieving a delicate balance between disclosure and protection through technological empowerment has become a cutting-edge issue in judicial reform.

Litigation archives contain a significant amount of personal information, such as the identity information, property status, marital and family details of the parties involved, the contact information and workplaces of witnesses, and the statements of victims, all of which may enter the public domain due to the disclosure of these archives. When the public applies to access such information based on the principle of judicial openness, courts often find themselves in a dilemma: satisfying the public's right to know may infringe on personal privacy, while overprotecting privacy may render judicial openness a mere formality.

In recent years, related incidents have frequently drawn public attention. In 2019, a local court publicly disclosed a judgment involving a listed company's trade secrets, causing significant fluctuations in the company's stock price. In

2022, a court failed to redact the ID numbers of parties involved when publishing judgments online, leading to the scraping of thousands of pieces of personal information and triggering widespread complaints. The conflict of rights in accessing litigation archives is no longer a simple matter of management technology but a legal issue requiring urgent and in-depth exploration.

The core question of this article is: In the context of accessing litigation archives, how should the boundary between the public's right to know and the right to personal information (privacy) be delineated? When these two rights conflict, what legal principles should be applied to weigh them? Furthermore, how can institutional design achieve a dynamic balance between these two rights?

1.1 Literature Review

Domestic academic research on litigation archives can be broadly divided into three phases. The first phase adopts an archive management perspective, primarily focusing on technical issues such as the collection, organization, and preservation of litigation archives. For instance, Li Yuanqing explored the classification methods for litigation archives in grassroots courts. Research in this phase established the basic framework for archive management but did not yet address rights issues [1].

The second phase is the judicial openness perspective. With the advancement of judicial openness reforms, scholars began to focus on the utilization value of litigation archives. For example, Du Guijun proposed that "the utilization of litigation archives is the prerequisite and foundation for achieving the goals of archival work" [2]. Gao Yifei systematically introduced the experience of court record disclosure in the United States. However, research during this period mostly emphasized the unidirectional promotion of "disclosure," with relatively insufficient attention to "protection" [3].

The third phase is the rights conflict perspective. In recent years, scholars have begun to focus on the tension between disclosure and protection. For instance, Yan Yansheng proposed that the disclosure of litigation archives should adhere to the principles of proportionality and special protection. From the perspective of rights-oriented judicial openness [4], Sun Yongjun advocated for elevating the public's right of

access to a statutory right [5]. Xia Qunpei and Peng Junbo, from the perspective of public demand, proposed establishing public-participated quality evaluation standards for archive services [6].

Overseas research also provides rich theoretical resources. The theory of "informational self-determination" proposed by the German Federal Constitutional Court in the 1983 Census Case has become a jurisprudential cornerstone for personal information protection [7]; the United States has developed methods for distinguishing between the public sphere and the private sphere in judicial practice through the "reasonable expectation of privacy" standard [8]; Japanese scholars, focusing on the specialized legislation of the "Act on Records of Criminal Cases Filed," have formed a systematic theory of differentiated disclosure [9].

1.2 Research Approach and Methods

First, the study aims to clarify the attributes and normative foundations of the right to know and the right to privacy at the jurisprudential level, revealing the essence of their conflict. It will construct an analytical framework for rights conflicts, encompassing the definition of the scope of rights, the assessment of the degree of interference, and the review of legitimacy. This framework will then be used to examine China's current system. Finally, a balancing mechanism centered on the principle of proportionality will be proposed.

Legal Dogmatics Method: Systematically reviewing the Constitution, the Civil Code, the Personal Information Protection Law, and relevant judicial interpretations.

Comparative Research Method: Examining relevant theories and practices in Germany, the United States, and Japan.

Case Study Method: Selecting typical controversial cases to gain insight into the real-world manifestations of rights conflicts.

1.3 Innovation Points

First, the study achieves a deepening of legal theory. It situates the issue of access to litigation archives within the framework of informational self-determination and the principle of proportionality, moving beyond traditional institutional descriptions.

Second, it introduces a methodological innovation. The study systematically employs Larenz's theory of balancing interests and

Alexy's principle of proportionality to construct an analytical framework.

Third, it proposes an innovation in institutional design. The study translates abstract legal principles into a practical, tiered and classified disclosure mechanism, aiming to bridge the gap between theory and practice.

2. The Right Basis for Access to Litigation Archives

2.1 Jurisprudential Foundation and Norms of the Right to Know

The term "right to know" was first coined by American journalist Kent Cooper in 1945. Jurisprudentially, the right to know refers to citizens' freedom and right to access and obtain information. Although China's Constitution does not explicitly stipulate the right to know, it can be justified through constitutional interpretation. The principle of popular sovereignty in Article 2 of the Constitution requires that the people have the right to be informed about the exercise of state power; the freedom of speech clause in Article 35 is generally understood to encompass the capacity to receive information; and the right to criticize and make suggestions in Article 41 presupposes an understanding of the activities of state organs [10].

The right to know possesses the dual attributes of a liberty right and a social right. As a liberty right, it requires the state not to impede the free flow of information. As a social right, it obligates the state to proactively disclose information, creating conditions for public knowledge.

The judicial right to know is a specific manifestation of the right to know within the judicial sphere. Its particularities are embodied in the following aspects: First, the supervisory function. The public supervises judicial power and prevents corruption by accessing litigation archives. As Bentham stated, "Publicity is the very soul of justice" [11]. Second, procedural guarantee. Procedural justice emphasizes that the adjudication process should be open and transparent. Rawls, in "A Theory of Justice", regarded "publicity" as a basic requirement of formal justice [12]. Third, its connection to the public interest. Litigation archives concern not only the parties involved in a specific case but also the broader public interest. For instance, judgments in environmental pollution cases can serve as references for similar cases [13].

The subjects exercising the right to know should be differentiated by level. The level of the parties involved has a direct stake in the case, and their right to know carries a strong attribute of rights protection. The level of interested parties includes close relatives, legal representatives, etc., whose rights are secondary in strength to those of the parties but higher than those of the general public. The level of the general public primarily pertains to the function of public supervision, and the exercise of their right should be limited by its relevance to the public interest.

2.2 The Jurisprudential Evolution and Protection System of the Right to Privacy

The connotation of the right to privacy has undergone a transformation from "passive defense" to "active control". Traditional privacy rights, marked by Warren and Brandeis's 1890 article "The Right to Privacy," were defined as "the right to be let alone." With the advancement of information technology, modern privacy rights have continuously expanded. American legal scholar Westin defined it as "the right of individuals to determine for themselves when, how, and to what extent information about them is communicated to others," introducing the concept of "control" into the definition of privacy rights and initiating their positive turn.

The German Federal Constitutional Court formally proposed the "right to informational self-determination" in the 1983 Census Case, elaborating on it as a specific manifestation of the general right of personality. The Court stated that, under conditions of modern data processing, individuals should, in principle, decide for themselves the disclosure and use of their information [14]. This ruling established the constitutional foundation for personal information protection.

The implementation of the Personal Information Protection Law in 2021 marked China's entry into a specialized legislative phase for personal information protection. This law has a significant impact on access to litigation archives. Article 5 stipulates that the processing of personal information shall follow the principles of lawfulness, legitimacy, necessity, and good faith; Article 6 requires that processing have clear and reasonable purposes; Article 25 classifies biometric information, religious beliefs, financial accounts, etc., as sensitive personal information, mandating that it be processed only

for specific purposes and with substantial necessity; Article 34 specifically provides that state organs shall process personal information in accordance with laws and regulations and shall not exceed the necessary scope [15].

The protection of privacy rights in the judicial context has specific characteristics. First, the sensitivity of information types, such as emotional disputes in divorce cases or victim statements in sexual assault cases. Second, the diversity of information subjects, involving parties, witnesses, victims, expert witnesses, and other third parties. Third, the long duration of the protection obligation, as litigation archives have long retention periods, requiring privacy protection to persist for a correspondingly long duration.

2.3 The Essence of the Rights Conflict

German legal scholar Karl Larenz systematically expounded the theory of balancing of interests in his *Methodology of Law*. He pointed out that when different legal interests conflict, one cannot simply apply an "all or nothing" rule; instead, a comprehensive balancing must be undertaken. The elements to be weighed include the value hierarchy of the infringed legal interest, the degree of infringement, the legitimacy of the protected legal interest, and the possibility of alternative means. Larenz emphasized that while legislators can set balancing standards at a general level, the ultimate balancing must be completed by judges on a case-by-case basis [16]. This insight has important implications for the system of access to litigation archives: the law should provide guidance for judges' case-specific discretion, rather than attempting to resolve all issues with a one-size-fits-all approach.

German public law scholar Robert Alexy developed the principle of proportionality into a sophisticated legal methodology. He proposed that any interference with fundamental rights must pass a four-pronged review: legitimate purpose, suitability, necessity, and proportionality in the narrow sense [17]. This theory provides methodological guidance for balancing rights in access to litigation archives. That is, the realization of the public's right to know may require interference with the right to privacy, but such interference must comply with the four-pronged review of the proportionality principle.

Synthesizing the above theories, the essence of

the rights conflict in accessing litigation archives can be summarized as follows: First, it is not an "all or nothing" opposition; in most cases, partial disclosure can be achieved through technical means. Second, there is a dynamic hierarchy of legal interests; in some situations, the right to know takes precedence, while in others, the right to privacy prevails. Third, case-by-case balancing is required; legislation provides general guidance, but the ultimate equilibrium must be determined by judges based on the specific context. Fourth, the principle of proportionality serves as the rule for balancing.

3. Empirical Forms and Jurisprudential Analysis of Rights Conflicts

3.1 The Expansion of Access Demand Driven by Judicial Openness

Article 156 of the Civil Procedure Law stipulates that the public may access legally effective judgments and rulings. This provision transforms party access from court discretion into a statutory right. Empirical data indicate a rapid growth trend in access demand. According to Wei Jianping and Gao Zhongwei's "Shanghai: Achieving Cross-Court Access to Electronic Litigation Archives" (*People's Court Daily*, 2010) and related reports, taking Shanghai courts as an example, the number of litigation archive accesses exceeded 100,000 in 2013, an increase of nearly three times compared to 2008 (see Table 1). The purposes of access have also expanded from solely applying for retrials to multiple dimensions, such as searching for enforcement leads, obtaining new litigation evidence, and personal credit repair [18].

From a jurisprudential perspective, the expansion of the parties' right of access reflects the implementation of the principle of procedural subjectivity. As subjects of the proceedings, parties have the right to be informed of all information related to their rights [19].

The public's demand for access to litigation archives is primarily based on the supervisory function of the right to know. Typical scenarios include major public incidents such as the Yu Huan case and the Kunshan self-defense case, or for institutional research and media supervision. However, public access also faces unique rights conflicts. Media coverage may lead to the widespread dissemination of personal information, and researchers' use of data may

exceed necessary limits.

The expansion of access demand inevitably intensifies rights conflicts, mainly manifested in:

(1) Scope Conflict. Parties hope to access all materials in a single review as comprehensively as possible, while courts impose restrictions based on privacy protection.

(2) Method Conflict. The public expects courts to provide convenient access methods, such as online access, but online disclosure increases the risk of information leakage.

(3) Timing Conflict. The public desires immediate access, which may interfere with ongoing judicial proceedings.

(4) Subject Conflict. Media access may amplify partial information, causing secondary harm to the parties involved.

Table 1. Growth Trend of Litigation Archive Accesses in Shanghai Courts (2008-2013)

Year	Number of accesses(times)	Growth rate
2008	Approximately 35,000	-
2009	Approximately 42,000	20.0%
2010	Approximately 50,000	19.0%
2011	Approximately 63,000	26.0%
2012	Approximately 81,000	28.6%
2013	Approximately 102,000	25.9%

3.2 The Practical Dilemma of Privacy Protection

The risks of losing control over personal information in litigation archives are specifically manifested in the abuse of identity information, leakage of property information, and dissemination of private information. Once information such as ID numbers, addresses, and contact details is made public, the parties involved may face risks such as harassment, fraud, and identity theft. The disclosure of information like financial status and bank accounts may lead to economic security issues. The exposure of private matters such as marital status, emotional disputes, and health information may cause psychological harm. In 2022, a court failed to redact the ID numbers of parties involved when publishing judgments online, leading to the scraping of thousands of personal information records and triggering widespread complaints. This incident demonstrates that technical negligence can result in serious rights infringements [20].

Litigation archives involve not only the parties but also a large number of third-party subjects. Witness testimonies may contain personal

experiences, and their disclosure could affect their peace of life or even lead to retaliation. Statements from victims in sexual assault and domestic violence cases often contain a substantial amount of private information, and disclosure may cause secondary harm. Expert opinions may contain the professional judgments of the experts, and disclosure could affect their professional reputation. The current system provides significantly insufficient protection for the rights of third parties. When parties apply for access, courts often only verify the identity of the applicant while neglecting to protect third-party information.

The leakage of sensitive information may cause irreversible damage. Once juvenile delinquency records are made public, they may affect the individual's lifelong development. The criminal record sealing system established in Article 275 of the "Criminal Procedure Law" reflects special protection for minors. The disclosure of trade secrets such as core technology information, client lists, and pricing strategies may cause enterprises to lose their competitive advantage. The leakage of case information involving national security directly harms national interests.

3.3 Jurisprudential Typology of Rights Conflicts

The core issue of scope-based conflict is "which information can be disclosed and which must be kept confidential." At the jurisprudential level, this question can be transformed into the judgment of "reasonable expectation of privacy." The standard established by the U.S. Supreme Court in "Katz v. United States" is whether the information subject has exhibited an actual expectation of privacy and whether that expectation is one that society recognizes as reasonable [21].

For example, a party's ID number or address typically does not carry a reasonable expectation of privacy, as such information is easily exposed in social interactions. However, a party's health information or sexual orientation does carry a reasonable expectation of privacy.

The core issue of method-based conflict is how to choose a disclosure method that satisfies the right to know while maximizing privacy protection. The advantage of online disclosure lies in its convenience and efficiency, but it carries greater risks; once information is online, the scope of its dissemination is difficult to control. The limitation of offline access is its

inconvenience, but it offers higher security; the dissemination of information is controlled, and access behavior can be traced. Balancing these at the jurisprudential level requires considering factors such as the sensitivity of the information, the identity of the accessing party, and the purpose of access. Online disclosure can be prioritized for general information, while access to sensitive information should be restricted to offline methods.

The core issue of timing-based conflict is when to disclose information to satisfy the right to know while avoiding undue harm. The advantage of immediate disclosure lies in meeting the public's demand for timely information, but it may interfere with the normal progress of judicial proceedings. For example, disclosing first-instance archives before the conclusion of the second instance could influence the independent judgment of the second-instance judges. The rationale for delayed disclosure lies in risk mitigation. A confidentiality period can be set for sensitive information, with disclosure only after the period expires. Article 4 of Japan's Act on Records of Criminal Cases Filed stipulates that cases for which more than three years have passed since the conclusion of record preservation shall not be disclosed, reflecting consideration of the timing element.

4. Comparative Legal Perspectives on Rights Balancing

4.1 The German Model: Constitutional Protection of Informational Self-Determination

In 1983, the German Federal Constitutional Court rendered its judgment in the Census Case. The case concerned a large-scale population census planned by the federal government to collect personal information from citizens. The Court's judgment stated that, under the conditions of modern data processing, the protection of fundamental rights requires that individuals should, in principle, decide for themselves the disclosure and use of their personal information. Individuals have the right to know "who knows what about them, when, and under what circumstances." This right is a specific manifestation of the general right of personality. The Court further elaborated that the right to informational self-determination is not absolute and may be limited by compelling

public interests. However, such limitations must comply with the principle of proportionality and have a clear legal basis.

The theory of informational self-determination has significant implications for access to litigation archives: First, individual control over personal information—individuals have the right to decide whether their information is disclosed, to whom, and to what extent. Second, the principle of legal reservation—any limitation on the right to informational self-determination must be explicitly provided for by law. Third, proportionality review—any interference with the right to informational self-determination must undergo the four-pronged review of the proportionality principle.

4.2 The American Model: Reasonable Expectation of Privacy and Tiered Disclosure

In 1967, the U.S. Supreme Court established the reasonable expectation of privacy standard in "Katz v. United States". Justice Harlan, in his concurring opinion, proposed a two-pronged test: first, that a person has exhibited an actual (subjective) expectation of privacy; and second, that the expectation is one that society is prepared to recognize as "reasonable." This standard shifted the judgment of privacy from "place" to "expectation"—even in public places, individuals may still retain a reasonable expectation of privacy regarding certain information.

American courts have developed a mature model of tiered disclosure in practice. The first tier is full disclosure, where cases not involving sensitive information are made publicly available to all through the PACER system. The second tier is restricted access, where cases involving minors, trade secrets, or personal privacy are accessible only to the parties and interested persons. The third tier is sealing, where cases involving extreme circumstances such as state secrets or witness protection are completely sealed and not disclosed to the public. The core of tiered disclosure lies in differentiated treatment—different types of cases, different types of information, and different accessing subjects are subject to different disclosure rules.

4.3 The Japanese Model: Special Legislation on Criminal Final Judgment Records

In 1987, Japan enacted the Act on Records of Criminal Cases Filed, which specifically

regulates the preservation and disclosure of criminal litigation archives. The core contents of this act include preservation obligations, disclosure principles, exceptional circumstances, and remedy procedures. Article 2 stipulates that finalized litigation records shall be preserved by public prosecutors; Article 3 provides that litigation records shall be disclosed to the parties and the public; Article 4 lists six categories of cases that shall not be disclosed, including cases where public debate was prohibited, cases for which more than three years have passed since the conclusion of record preservation, cases that may harm public order or pose moral risks, cases that may hinder the rehabilitation or reformation of offenders, cases that may damage the reputation of interested parties or interfere with their peaceful life, and cases that may endanger jurors; Article 5 states that individuals dissatisfied with a prosecutor's decision may request the court to rescind or modify it.

The jurisprudential advantages of the Japanese model lie in clarified rights, explicit exceptions, and comprehensive remedies. Specialized legislation formalizes the public's right of access, reducing the scope of court discretion. The enumerated provisions of the six exceptions provide clear guidance for decision-making. Simultaneously, it establishes judicial remedy procedures against non-disclosure decisions, ensuring that rights can be asserted and remedied. Synthesizing overseas experiences, the following common jurisprudential elements can be distilled: First, statutory rights. The public's right to access litigation archives should be explicitly provided for by law.

Second, the principle of proportionality. Any restriction on rights must comply with the four-pronged review.

Third, tiered disclosure. Differentiated disclosure rules should be established based on different types of information and different accessing subjects.

Fourth, procedural remedies. Effective avenues for remedy should be provided against non-disclosure decisions.

Fifth, technological support. Electronic platforms provide the technical foundation for achieving rights balance, and technologies such as privacy computing serve as tools for refined disclosure.

5. Jurisprudential Review of China's Litigation Archive Access System

5.1 Logical Examination of Current Norms

Article 19 of the Archives Law stipulates that archives preserved by state archives repositories should generally be opened to the public 30 years after their formation. This provision establishes the basic principle of archive openness, but it presents the following jurisprudential issues: regarding the scope of application, the law does not explicitly stipulate whether court archive rooms fall under the category of "state archives repositories"; regarding the conflict of time limits, there is tension between the 30-year opening period and the requirement for timeliness in judicial openness; the exceptional circumstances of "involving national security or major interests" lack specific definition.

Article 156 of the Civil Procedure Law serves as the direct legal basis for public access. However, the limitations of this article are equally apparent. The scope of access is limited to judgments and rulings, excluding complaints, answers, court transcripts, evidentiary materials, and others. This positioning restricts public access to the disclosure of outcomes, falling short of the judicial openness concept of "process openness."

The Supreme People's Court has supplemented the access system through judicial interpretations. The 1984 Measures for the Management of People's Court Litigation Archives established the basic framework for archive management; the 2014 revised version, in Article 14, expanded the subjects of access to include "relevant units," reflecting an expansion of the disclosure scope, but lacks clear definitions for "relevant units," proof of "genuine work necessity," and the scope of "relevant content"; the 2009 Six Provisions on Judicial Openness formally proposed the "open inquiry of litigation archives" system for the first time, but its positioning is as a component of judicial openness rather than an institutional arrangement for rights protection; the 2021 Provisions on the Publication of Judgments on the Internet by People's Courts provides detailed rules for online publication of judgments, but judgments represent only a small fraction of litigation archives.

The current normative system exhibits significant jurisprudential tension. Is it the "right of the public" or the "power of the court"? The principle of openness as the rule, and non-disclosure as the exception, has not yet truly

taken root; exceptions are often expanded into the rule. Courts in different regions formulate their own rules with inconsistent standards, creating data silos.

5.2 Jurisprudential Reflection on Local Practices

The Remote Access Platform for Electronic Litigation Archives for the Public, launched in 2010, enabled remote cross-court access to electronic archives across 22 courts in Shanghai. From a jurisprudential perspective, the innovations of the Shanghai model lie in rights protection and unified standards. It expanded access from offline applications to online processing, reducing obstacles to the exercise of rights. It eliminated institutional disparities between district courts through the construction of a unified platform. It established a strict quality monitoring system, ensuring the qualification rate of archived scans remained stable at over 99.5%. However, the Shanghai model still has jurisprudential limitations: the subjects of access remain primarily limited to parties and their representatives, and the public's right of access has not yet been fully realized.

Beijing courts adopted a phased strategy. In 2014, the litigation archive access platform on the Beijing Court Trial Information Network was launched, dividing the access process into three stages: application, review, and inspection. From a jurisprudential perspective, the characteristic of the Beijing model lies in the meticulousness of its procedural design. The division into three stages makes the access procedure more transparent and controllable. However, issues concerning the standards, time limits, and remedies in the review stage still require improvement.

Certain jurisprudential deviations exist in local practices. First, excessively high thresholds—some courts require applicants to provide proof of an interest in the case, effectively nullifying the public's right of access. Second, excessively long time limits—some courts have review periods of up to 15 working days, undermining timely disclosure. Third, absence of remedies—when access applications are denied, applicants often have no avenue for appeal. The root cause of these deviations lies in the insufficiency of legally defined rights; courts treat access as a discretionary service rather than an obligation to be fulfilled.

5.3 Jurisprudential Deficiencies from the Perspective of Rights Conflicts

The current system exhibits jurisprudential ambiguity in the configuration of rights holders. The nature of the parties' right—whether it is a procedural or substantive right, whether it is a right to apply or a right to obtain—is not clearly defined by the norms. The scope of "interested parties" is unclearly delineated—whether the "interest" is legal or factual leaves excessive room for discretion in practice. The status of the general public remains ambiguous, with vague normative attitudes and a general denial of their independent right of access in practice.

There is a lack of justification for the restrictions on access rights. What is the purpose of the restriction—is it to protect privacy or for administrative convenience? In practice, these are often bundled together. Whether the degree of restriction is appropriate—whether a complete denial of disclosure complies with the principle of necessity—is rarely subjected to proportionality review. What is the basis for restriction—which information constitutes personal privacy—lacks uniform standards, granting courts excessive discretion.

The principle of "no procedure, no right" is difficult to implement. Whether courts need to provide reasons when denying access is not required by current regulations. Whether parties have the right to be heard when objecting to disclosure remains an institutional gap. To whom applicants can appeal a denial decision, in what manner, and how enforcement is guaranteed after an appeal are all unspecified.

The principle of "no remedy, no right" has not yet been realized. Whether a court's denial decision can be litigated, and if so, what type of litigation it falls under, is not stipulated by the current system. Whether compensation can be obtained for rights damages caused by improper disclosure lacks a clear legal basis.

6. Jurisprudential Reconstruction and Institutional Design for Rights Balancing

6.1 The Systematic Application of the Proportionality Principle for Achieving Balance

The first prong of proportionality review requires that the interference serves a legitimate purpose. Interference with the right to privacy through access to litigation archives has legitimate purposes.

(1) The Dimension of Popular Sovereignty. Public knowledge is a prerequisite for the sovereign people to supervise the exercise of power. The fairness of adjudicative outcomes needs to be ensured through procedural openness. Effective judgments have referential value for similar cases, and their disclosure contributes to the uniform application of law.

(2) The second prong requires that the means of interference be suitable for achieving the purpose. A causal relationship exists between the disclosure of litigation archives and the goal of judicial openness: disclosure enables the public to observe the judicial process and serves as a means of exercising supervisory power; simultaneously, disclosure encourages judges to be more prudent, enhancing the quality of adjudication; the accumulated case resources from disclosure provide material for legal research and legislative improvement.

(3) The third prong requires, among multiple equally effective means, selecting the one that least interferes with the right. In the context of litigation archive access, the principle of necessity demands: where partial disclosure is possible, complete disclosure should be avoided; materials involving privacy can be disclosed in processed versions through data redaction technologies; where restricted access is possible, outright denial of access should be avoided; for sensitive information, access can be restricted by subject, method, or timing, rather than completely denying access; where notification and objection are possible, decisions should not be made arbitrarily; when third-party rights and interests are involved, the intention to disclose should be communicated, and opinions should be heard before making a decision.

(4) The fourth prong requires that the intensity of the interference be proportionate to the importance of the purpose. This necessitates a comprehensive balancing of factors such as information sensitivity, subject identity, degree of public interest relevance, and availability of alternatives. The more sensitive the information, the higher the threshold for justifying interference. The strength of privacy protection for parties is higher than that for the general public. The closer the information's relevance to the public interest, the stronger the justification for disclosure. If alternative means exist, they should be prioritized.

6.2 Establishing a Tiered and Classified

Disclosure System

(A) Tiered Design Based on Access Subjects

The first tier comprises the parties, who enjoy the broadest right of access. In principle, except where state secrets or significant privacy interests of others are involved, they may access all materials in the main case file and apply for copies. The second tier comprises interested parties, including close relatives of the parties, legal representatives, and third parties with a legal interest in the case. Access requires supporting documents and is limited to materials directly related to their own rights and interests. The third tier comprises the general public, who may access effective judgments. Access to court transcripts, evidentiary materials, etc., may be provided after the removal of sensitive information. For cases involving significant public interest, courts may ex officio expand the scope of disclosure.

(B) Classified Design Based on Archive Content Materials in the main file are, in principle, subject to disclosure. However, portions involving personal privacy or trade secrets within the main file should be redacted. The supplementary file system should undergo gradual reform. In the short term, content directly related to the adjudicative outcome but not involving deliberative secrets should be moved to the main file. In the medium term, a declassification system for supplementary files should be established, allowing for gradual opening after a set number of years. In the long term, the scope of supplementary files should be narrowed, aiming for the principle of "no supplementary file if no unsuitable materials exist." Access to special media such as court audio and video recordings may be restricted in terms of method, but access should, in principle, be provided.

(C) Differentiated Design Based on Information Type

General information, including names, case numbers, and court names, may be fully disclosed. Sensitive information, including ID numbers, addresses, and contact details, should be redacted. Highly sensitive information, including statements of victims in sexual assault cases, information concerning minors, and trade secrets, is, in principle, not disclosed. If disclosure is genuinely necessary, the subjects and methods of access should be strictly limited.

6.3 Rights Remedies

The fulfillment of the duty to inform should be institutionalized. When materials proposed for disclosure by the court involve the personal information of a third party, the third party should be informed, along with an explanation of the reasons, scope, and methods of disclosure. If an application for access is denied, the reasons should be provided in writing. In the event of an information leakage incident, affected individuals should be promptly informed, and remedial measures should be taken.

The introduction of hearing procedures should be standardized. Parties who believe that disclosure may infringe upon their privacy rights have the right to request a hearing, and the court should render a decision after the hearing. Applicants dissatisfied with a denial decision may request a hearing, during which the opinions of the applicant, the court's archives department, and relevant parties should be heard. The construction of avenues for remedy should be systematized. If dissatisfied with a decision of the court's archives department, an individual may appeal to the president of the court or the adjudicative committee, which should render a decision within 15 days. If still dissatisfied with the court's appeal decision, an individual may apply for reconsideration to the higher court, which should render a decision within 30 days. If dissatisfied with the reconsideration decision, an individual may file a lawsuit in the People's Court. The nature of such a lawsuit may be characterized as "information disclosure litigation," subject to administrative litigation procedures.

6.4 Technological Implementation

The construction of a unified electronic archive platform should achieve interconnection and interoperability among the archive systems of courts at all four levels. The platform should possess the function of unified standards. It should formulate unified standards for system functionality, data formats, and interfaces to eliminate data silos. It should set different access permissions based on the identity of the accessing subject, achieving "one right per person." It should also possess the function of "full-process traceability," automatically recording all access activities to ensure traceability and auditability.

The application of privacy computing technologies can achieve "data availability without visibility." Data redaction technologies

can be used to automatically redact sensitive information such as ID numbers and addresses.

Courts should transition from archive managers to information service providers, viewing public access as fulfilling their duties rather than merely "providing convenience." First, the service attitude should be optimized. Second, service processes should be streamlined. Third, regarding service standards, quality evaluation criteria for archive services should be established, subject to public supervision.

The right to know promotes judicial fairness. Once judicial fairness is established, the privacy of parties is more effectively protected. When the public's right to privacy is respected, parties are more willing to cooperate with the judiciary and provide truthful information, forming a virtuous cycle.

7. Conclusion

The conflict of rights in accessing litigation archives is essentially a conflict between two fundamental rights: the right to know and the right to privacy. Resolving this conflict requires a value-based balancing exercise utilizing the theory of balancing of interests, rather than a simple "binary choice."

The principle of proportionality serves as the "meta-rule" for rights balancing. The four-pronged review of legitimate purpose, suitability, necessity, and proportionality in the narrow sense provides methodological guidance for institutional design. Any interference with the right to privacy must conform to this review framework.

On this basis, a balanced institutional system can be constructed from three dimensions. A tiered and classified disclosure system, differentiating by access subject, archive content, and information type, establishes differentiated disclosure rules. A closed-loop procedure encompassing notification, hearing, and remedy transforms abstract rights into concrete, assertable, and remediable rights. Technological empowerment, through unified electronic archive platforms and privacy computing, makes refined disclosure possible. Looking ahead, the enactment of a specialized "Litigation Archive Disclosure Law" is anticipated. Moving from institutional balance to jurisprudential integration, the right to know and the right to privacy will achieve symbiotic coexistence at a higher level. The public can conveniently access all judicial information that can be made public,

the privacy of the parties receives due respect, the adjudicative activities of judges are conducted in the sunlight, and judicial credibility is continuously enhanced through the integration of disclosure and protection. This is both the original aspiration of judicial openness and the ultimate goal of rights balancing.

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