

# A Study on Non-Property Damages Relief for Natural Persons' Personal Information Rights in Grassroots Judicial Practice Under the Civil Code

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**Abstract:** Disputes over infringements of natural persons' personal information rights continue to emerge. As a crucial frontline defense for rights protection, grassroots courts primarily handle cases where non-pecuniary damages—such as mental anguish and harm to personal dignity—constitute the core claims. The Civil Code incorporates personal information rights into the scope of personality rights protection, providing a legislative basis for redressing non-pecuniary damages. However, the disconnect between its general principles and the practical needs of grassroots judicial operations has led to issues in judicial practice, including unclear standards for recognizing non-pecuniary damages and inconsistent application of remedies. This paper adopts a grassroots judicial perspective, employing literature review and case analysis to propose targeted improvement recommendations. It aims to achieve consistent adjudication standards at the grassroots level and realize substantive remedies for non-pecuniary damages related to personal information rights.

**Keywords:** Rights and Interests in Personal Information; Remedies for Non-Property Damages; Safeguarding of Personality Rights

## 1. Introduction

Advances in digital technology have led to frequent incidents of personal information infringement. Grassroots courts handle the vast majority of personal information rights infringement cases involving natural persons. Since such cases rarely result in direct financial losses, remedies for non-pecuniary damages have become crucial for grassroots judicial protection of these rights. The Civil Code and the Personal Information Protection Law jointly

establish the legislative framework for such damages relief. However, the principle-based nature of the legislation limits its practical applicability, leading to divergent adjudication standards at the grassroots level and obstacles in implementing non-monetary remedies. Current academic research predominantly focuses on the legal attributes of personal information rights and compensatory damages for pecuniary losses, while studies on non-pecuniary damages in grassroots judicial practice remain fragmented and lack systematic rules. This paper examines the practical operations of grassroots courts, analyzes the challenges and root causes in this area of relief, proposes corresponding improvement measures, and provides reference models for grassroots adjudication.

## 2. Literature Analysis

### 2.1 Legal Nature and Rights Framework of Personal Information Interests

This field serves as the theoretical foundation for remedies against personal information rights infringements, with academic research primarily focusing on the nature, positioning, and property attributes of such rights. Xu Ke (2024) employs the “rights tree” theory to reinterpret the theoretical framework of personal information rights, clarifying hierarchical divisions, constituent powers, and protective boundaries to establish a systemic framework for comprehensive safeguarding [1]. Peng Chengxin (2023) distinguishes personal information rights from traditional personality rights by examining substantive content and remedial approaches, arguing for their independent personality rights status and providing reference points for designing distinct remedial rules [2]. Xiang Qin and Gao Fuping (2022) analyzed the property attributes of personal information rights, noting their dual nature as both personality rights and

limited property rights. They clarified the boundaries for applying property attributes, offering insights for distinguishing remedies for property and non-property damages [3]; Cheng Xiao (2020) defined the essence of personal rights from the perspective of the Civil Code's legislative intent, analyzed the connecting boundaries with privacy rights, and provided a legislative theoretical foundation for subsequent studies on remedies [4].

## **2.2 Rules for Determining Non-Property Damages for Personal Information Rights Infringements**

This area aligns closely with the core research theme of this paper, with academic focus primarily on the standards for determining compensation for mental distress and the rules for distinguishing it from property damages. Zhu Xiaofeng (2025) addressed the issue of overlapping criteria for determining property losses and non-pecuniary damages by proposing substantive differentiation standards based on the nature of harm, thereby establishing independent criteria for recognizing non-pecuniary damages [5]. Cheng Xiao (2024) conducted specialized research on this type of non-pecuniary damage compensation, defining the scope and constituent elements of harm recognition while analyzing the challenges faced by grassroots judicial discretion [6]. Li Dongyu (2023) focused on mental distress compensation, clarifying its applicability thresholds, recognition norms, and scope of compensation. The study analyzed presumption rules for mental distress arising from sensitive personal information leaks, providing references for grassroots courts to reduce victims' evidentiary burdens [7].

## **2.3 Establishing Civil Liability and Remedial Mechanisms for Personal Information Rights Infringements**

Research in this domain centers on building practical civil liability frameworks and remedial mechanisms, with a core focus on bridging legislative norms and judicial practice. Long Songxiong (2023) adopts a holistic perspective to examine liability for such damages, clarifying liability elements and methods of assumption, thereby providing foundational support for establishing remedial mechanisms [8]; Cheng Xiao (2022) specifically examined the exercise of personal information rights and remedial

mechanisms, distinguishing judicial and non-judicial relief pathways. By analyzing the applicable scenarios and coordinating norms for different remedies, the study established a comprehensive framework for addressing non-pecuniary damages [9]; Yang Xianbin and Wang Bingchang (2022) centered their work on the coordination between the interpretation of the Civil Code and the Personal Information Protection Law. They constructed a civil liability system for infringements of personal information rights, established application criteria for various liability methods, and provided normative interpretive references for liability assumption in non-property damage remedies [10].

## **3. Research Approach and Methodology**

### **3.1 Research Approach**

This study follows a central logic of theoretical review, problem identification, and solution refinement. Conducted from a grassroots judicial perspective, it focuses on the theme of non-pecuniary damages for natural persons' personal information rights. By integrating the provisions of the Civil Code with the characteristics of grassroots judicial adjudication, it identifies four core theoretical pillars supporting the research and establishes a preliminary research framework. It analyzes the current state of grassroots judicial practice, identifying specific challenges in recognizing, applying, enforcing, and proving non-pecuniary damages. These challenges are dissected through four dimensions: legislative norms, adjudication principles, judicial operations, and supporting mechanisms. Proposing practical improvement pathways across three dimensions—reforming concepts and refining regulations, unifying adjudication rules and operational mechanisms, and strengthening supporting safeguards and collaborative remedies—to create a closed-loop research framework integrating theory, practice, and policy solutions, thereby establishing redress rules tailored to grassroots judicial contexts.

### **3.2 Research Methodology**

This study employs a combined approach of case analysis and literature review. It systematically examines domestic and international academic literature, legislative standards, and judicial guidelines concerning

personal information rights protection, non-pecuniary damages for personality rights, and grassroots judicial adjudication. This comprehensive review establishes a robust theoretical foundation by thoroughly assessing the current state of research and existing outcomes in this field. Simultaneously, it selects representative cases involving non-pecuniary damages for personal information rights from trials across grassroots courts nationwide. By analyzing key judicial rulings, examining dispute focal points, judicial reasoning, and enforcement challenges, it identifies common issues and judicial difficulties in grassroots practice, ensuring practical relevance and operational feasibility.

#### **4. Foundational Theory of Non-Pecuniary Damages for Personal Information Rights from a Grassroots Judicial Perspective**

##### **4.1 Core Conceptual Definitions**

Aligning with the legislative principles of the Civil Code and grassroots judicial practices, this paper defines its core research concepts. Personal information rights of natural persons refer to the personality rights of individuals to control, manage, and exclude unlawful infringement of personal information such as names, mobile numbers, ID numbers, and addresses. These rights constitute independent specific personality rights, with the core object of protection being personal interests. Grassroots courts primarily distinguish between general personal information and sensitive personal information to delineate the scope of protection. Non-pecuniary damages to personal information rights refer to harm without direct monetary value—such as mental anguish, inner anxiety, diminished social standing, and compromised personal dignity—caused by infringements involving the unlawful collection, disclosure, or use of natural persons' personal information. This constitutes a direct manifestation of the personal rights nature of personal information rights. Non-pecuniary damage remedies in grassroots judicial practice refer to judicial operations conducted by county and district-level courts. Given the characteristics of high case volumes and limited parties' ability to provide evidence, these courts compensate victims' personality interest losses through judicial rulings. Such rulings typically order cessation of infringing acts, demand

apologies, and award compensation for mental distress. The key lies in emphasizing the practicality and enforceability of these remedial measures.

##### **4.2 Core Theoretical Foundations**

Research and practice concerning non-pecuniary damages remedies for natural persons' personal information rights rely on four core theories: First, the theory focusing on the protection of personality rights. Personal information rights are inherently part of personality rights, with the core protection being the personality interests of natural persons. The direct manifestation of damaged personality interests is non-pecuniary harm, and grassroots courts should treat non-pecuniary damages remedies as the core protection. Second, theories concerning remedies for non-pecuniary damages, which possess both consolatory and restorative attributes. Compensation for mental distress emphasizes material consolation, while apologies and elimination of adverse impacts focus on restoring damaged social reputation. Grassroots courts should coordinate the synergistic application of both approaches. Third, the doctrine of interest coordination. When applying remedies, grassroots courts should balance natural persons' information rights with the operational freedom of information processors. While strengthening rights protection, they must avoid imposing excessive burdens on small and medium-sized enterprises and online platforms through over-reliance on remedies. Fourth, the theory of practical dispute resolution in grassroots judiciary. Substantively resolving civil disputes is the core objective of grassroots judiciary. Non-pecuniary damage relief must extend beyond court rulings to ensure practical implementation, enabling victims to receive tangible redress.

#### **5. Challenges and Root Causes in Non-Property Damage Relief for Personal Information Rights at the Grassroots Judicial Level**

##### **5.1 Current Practice**

Following the implementation of the Civil Code and the Personal Information Protection Law, grassroots courts have seen a significant increase in cases involving personal information rights infringements. However, the effectiveness

of non-property damage relief remains suboptimal. There is considerable variation in the standards applied across similar cases, with no unified criteria for whether to grant compensation for mental distress or how much to award. Non-monetary remedies like apologies often become mere formalities. Grassroots victims face weak evidentiary capacity, struggling to prove causation between infringement and harm, leading to frequent dismissal of claims. Courts tend to adopt conservative remedial approaches, typically ordering cessation of infringing acts without providing comprehensive compensation for non-pecuniary damages.

### 5.2 Practical Challenges

Five major challenges confront such remedies in grassroots judicial practice: First, no clear standards exist for recognizing non-property damages, with no distinction made between general information and sensitive information in damage assessments, leaving excessive discretion to judges. Second, relevant rules for applying remedy methods are lacking, with unclear scenarios and sequences for various remedies, easily leading to omissions or inappropriate overlaps. Third, there is no quantifiable basis for determining compensation for mental distress, leading to arbitrary assessments that fail to provide effective consolation and often trigger appeals. Fourth, there are no specific standards for the fulfillment and enforcement of non-monetary remedies. The forms, scope, and timeframes for fulfillment are vaguely defined, and there are no effective sanctions for non-compliance. Fifth, the burden of proof is unfairly allocated, requiring victims to demonstrate the existence, severity, and causal link of mental harm—a burden far exceeding their capabilities.

### 5.3 Analysis of Root Causes

The remedial challenges faced by grassroots courts stem from multiple interrelated factors. Legislative norms are insufficient, with relevant laws merely listing general remedies without establishing rules tailored to grassroots judicial realities or creating enforcement mechanisms, leaving courts without clear legal guidance. Judicial philosophies remain flawed, as some grassroots judges persist in “prioritizing property over personality” and “prioritizing adjudication over enforcement,” overlooking the

significance of redressing non-pecuniary harm. Judicial practice capabilities are inadequate, as personal information protection is classified as an emerging field, leaving some grassroots judges with insufficient specialized knowledge to meet adjudication demands. Supporting mechanisms are deficient, lacking targeted precedents and adjudication guidelines. Enforcement of non-monetary remedies faces no corresponding oversight mechanisms, and a collaborative redress system with administrative departments remains unestablished, leaving the realization of remedies without foundational support.

## 6. Improving Remedies for Non-Property Damages to Personal Information Rights in Grassroots Justice

### 6.1 Conceptual Reorientation and Regulatory Refinement

Reorient grassroots adjudication through specialized training and case studies, establishing the principle of “core protection of personality rights and substantive dispute resolution” while balancing remedy legitimacy and implementation effectiveness. The Supreme People's Court should issue adjudication guidelines tailored to grassroots realities, refining core principles: Distinguish between general and sensitive information, presume mental harm upon disclosure of sensitive information, and comprehensively assess damages caused by general information; Clarify the hierarchical application of remedies, prioritizing cessation of infringement while layering additional measures like apologies and compensation for mental distress based on harm severity; Establish tiered ranges for mental distress compensation based on information type, infringement severity, and harm consequences to constrain judicial discretion.

### 6.2 Unifying Grassroots Adjudication Rules and Operational Mechanisms

Establish clear, implementable adjudication and enforcement rules to resolve practical challenges. Formulate standardized application norms for the “four-step” remedy framework: sequentially conduct infringement determination, distinguish information and damage circumstances, select appropriate remedies, and quantify compensation amounts—providing grassroots judges with explicit adjudication guidelines.

Second, enhance the rationality of burden of proof allocation by adopting a combined approach of shifting and mitigating the burden. Require information processors to demonstrate fulfillment of protection obligations. In sensitive information leakage cases, presume mental distress damages have occurred, shifting the burden to defendants to rebut this presumption, thereby reducing the evidentiary burden on victims. Third, strengthen the enforcement framework for non-monetary remedies by defining the methods, scope, and deadlines for online and offline infringement remedies. Establish a “substitute performance and credit penalty” mechanism: courts may commission third parties to enforce obligations against non-compliant parties, with costs borne by defendants, while adding such parties to dishonest debtor lists.

### 6.3 Enhancing Judicial Support and Collaborative Remedies at the Grassroots Level

Strengthen the relief support system through both internal enhancement and external coordination. Optimize internal supporting measures by having the Supreme People's Court and local high courts regularly publish typical grassroots cases, while grassroots courts organize specialized training and case studies to enhance judges' professional adjudication capabilities. Establish cross-departmental collaboration mechanisms to create channels for information sharing and case referrals between courts and market regulation, cyberspace administration, and public security departments, facilitating the linkage between administrative supervision and judicial relief. Improve diversified dispute resolution mechanisms by integrating people's mediation and pre-litigation mediation into the redress pathway. Judicial confirmation should be granted to settlement agreements reached in straightforward cases, endowing them with enforceable effect to swiftly address victims' redress demands and alleviate pressure on grassroots adjudication.

### 7. Conclusion and Outlook

This paper defines the core concepts of non-pecuniary damages for personal information rights from a grassroots judicial perspective, systematizes four supporting theories, and systematically examines and analyzes five major challenges in this field: ambiguous recognition

standards, gaps in remedy rules, lack of corresponding compensation bases, prominent difficulties in enforcement, and imbalanced evidentiary burdens. It then identifies the root causes of these challenges from four aspects: legislation, ideology, practice, and mechanisms. To address these issues, this study proposes three grassroots-oriented improvement approaches: conceptual reengineering and refined regulatory treatment; unified adjudication rules and practical operational procedures; and strengthened supporting safeguards and collaborative assistance. These aim to achieve consistent adjudication standards, reduce the burden of victim evidence presentation, and enhance the effectiveness of remedies, thereby providing reference for grassroots courts handling related cases. This study does not cover scenarios such as cross-provincial online infringement or information protection for special groups. Future research could conduct empirical investigations across regions, aligning with the development of digital rule of law to explore the application of technologies like blockchain and big data in evidence presentation and enforcement. Additionally, differentiated relief rules for groups such as minors and the elderly should be studied to advance the protection of personal information rights toward refinement, grassroots implementation, and digitalization.

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