

The Notification Procedure of Administrative Agencies in Handling Personal Information

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Abstract. The notification procedure of administrative agencies in handling personal information is not only a systematic shield against risks but also a key grip for reshaping the credibility of the government in the digital era. In the digital era, it is urgent to build a perfect framework of notification procedures to protect the rights and interests of information subjects and to restrain the digital power of administrative agencies. The paper first argues the legal basis of the notification procedure of administrative agencies based on the dual dimension of “right-power”. Then, it takes the Chinese provincial government websites as empirical samples, reveals the problems in informing unspecified relatives, and puts forward the optimization paths of displaying personal information handling rules in prominent positions, adopting illustrations and other means to improve readability, and refining the information provisions in a targeted manner. Special circumstances are clarified regarding the notification of specific relative persons, and corresponding enhancement measures are taken to improve the notification procedure rules. For the special case of administrative agencies handling personal information, a differentiated notification procedure has been constructed, forming a two-tier procedural framework of “general notification + special notification”.

Keywords: notification procedure; administrative agencies; personal information

1. Introduction

The notification procedure of administrative agencies in handling personal information is rooted in the core values of the modern administrative rule of law, which is not only a tangible expression of procedural justice but also a key pivot for balancing administrative efficiency and rights protection. The notification procedure has gone beyond the function of mere information disclosure, evolving into an institutional dialogue platform connecting the administrative subject and the relative, and its degree of perfection is directly related to the legality and legitimacy of the government's digital transformation. Article 35 of the Law of the People's Republic of China on the Protection of Personal Information establishes a general notification obligation for administrative agencies. In this system, administrative agencies should safeguard the individual's right to know as much as

possible when handling personal information, and establish and improve a good information disclosure mechanism to safeguard the individual's right to know, so that the individual can “maintain a clear presence” [1]. The existing legal norms related to the protection of personal information are often too general and lack of specific provisions, which need to be further refined and improved. From the general and special perspective, this paper divides the notification procedure into two categories: notification to publicize the rules of handling personal information and special notification for specific relative, both levels of notification are necessary in the context of handling personal information by administrative agencies, forming a progressive notification procedure with a different order.

2. Theoretical sources of the procedural obligation of administrative agencies in the notification procedure

2.1. Guaranteeing the administrative counterpart's right to know

When the law does not explicitly exempt processors of personal information from the duty to inform, individuals have a corresponding right to know. The fact that administrative agencies do not need to obtain the consent of individuals to “fulfil their legal duties” is the result of balancing the public interest with the interests of individuals. It should be noted, however, that the realization of the public interest still requires “visible means” of endorsement, following minimum due process requirements [2]. It should therefore be clear that such a situation, while derogating from the individual's right to decide, should in no way detract from the individual's right to know [3]. The instrumental and intrinsic values of the notification procedure together safeguard the procedural rationality of digital administration, ensure the realization of citizens' rights and, to a certain extent, establish a relationship of trust between citizens and the government. On the other hand, the notification procedure can also enhance public predictability and play the function of guiding the actions of social subjects. The institutional effectiveness of the notification procedure is rooted in the presupposition of the “cognitive-behavioural transformation theory”, in which the user acquires knowledge, realizes the existence and characteristics of risks, and then takes the initiative to prevent them. The full disclosure of risk information activates the individual's self-defence mechanism to realize the social transfer of risk distribution [4]. The notification procedure, as an initiating device for the guarantee of rights, breaks down the cognitive barriers of the administrative counterparty through the transmission of structured information and obtains the basis for the exercise of substantive rights [5].

2.2. Constraints on the digital powers of administrative agencies

The notification procedure serves as a procedural lock for power control, restraining the information processing behavior of administrative agencies with a preset framework of rules and guarding against the alienation of power caused by the black box. In the digital era, the behavior of administrative agencies in handling personal information involves the in-depth interaction between public power and citizens' private rights, and the constraints on digital power inevitably need to be rooted in the core concept of the principle of due process and be extended adaptively on this basis. However, the fulfillment of the Procedural obligation of notification procedure is not a mechanical copy of the traditional

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principle of due process, but through the technical empowerment and value injection, to build a new governance paradigm of “procedure - entity - technology”. This extension is not only the necessary constraints on digital administrative power, but also the substantive expansion of citizens' information rights and interests. The development of information technology and the diversification of media forms also provide a sufficient material basis and adequate convenience for the fulfillment of the procedural obligation of notification procedure, and administrative agencies will always be under the supervision of the public, so as to realize effective constraints.

3. Optimizing the notification procedure for unspecified relators: an empirical sample of personal information handling rules on Chinese provincial government websites

In response to the changes of the times and the needs of the public, China has vigorously promoted “Internet + government services”, accelerating the migration of offline government services to the Internet. As an important part of the digital government and the governance interface between the government and the public, government websites have been tasked with meeting the diversified and personalized needs of the public in a variety of aspects, including government services and government information delivery [6]. In the context of building a digital government, the content of services on government websites is increasing, and the handling of personal information in new ways is growing, but at the same time, the threat to the security of personal information is also increasing. The degree of notification by administrative agencies based on personal information processing activities should be more stringent than that of civil law notification, which is of higher importance and relevance to the public and will effectively affect the public interest. As a matter of fact, publicizing the rules of personal information processing is the most important way for administrative agencies to fulfil their notification obligations, which mainly refers to the release of pre-drafted rules of personal information processing by administrative agencies through various channels, such as the relevant laws, regulations, documents in various fields and privacy clauses of governmental websites. However, administrative agencies do not have a strong awareness of the protection of users' personal information when providing e-government services. There are serious deficiencies in the fulfilment of their notification obligations, and there are large deficiencies and vacancies in the disclosure of personal information handling rules on government websites [7]. At the present stage, personal information handling rules on government portals are generally in the form of “privacy statements”. As of March 2025, the following optimization paths are summarized in terms of the website statements and privacy statements of the government websites of 34 provincial-level administrative regions in China, as viewed from the links to local government websites under the Chinese government website.

3.1. Prominently publicize personal information handling rules

First of all, it is necessary to display a “privacy statement” on the home page of the website so that the public can quickly find the information terms and conditions of the inquiry portal. In terms of the current situation, it can be found that the privacy statement of government websites is still in a serious stage of absence. According to statistics, the country's 34 provincial-level administrative regions of the government website, in addition

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to Taiwan, Hong Kong, and Macao, there are only 11 websites with personal information statement provisions. The reason for this is mainly due to the fact that when building government websites, this aspect was neglected, and these cities are not very aware of the privacy protection of users when providing e-government services, and have not considered the need to utilize the website to disclose the privacy policy in order to let the public understand and protect their personal privacy and thus to form a certain degree of supervision.

Secondly, it is important to note that explicitly refers to setting up a separate link to the privacy policy on the homepage of the government website, not making it part of the website statement that the website needs to be proactive in disclosing the content of the information terms. As of the time of counting, only the government portals in Fujian Province have published a separate page of “Website Privacy Protection Terms (Trial)”.

In addition, a friendly channel should be constructed in a prominent position to enable the public to browse quickly and efficiently. The simplest interaction method should be set up here, i.e., the specific content of the information terms can be reached by only one click, and such friendly links should also exist in the sub-pages of the government website, so that the users can quickly check the relevant terms and conditions again even when they are using the website's services.

3.2. Use of diagrams to enhance readability

In paper contracts, the size and position of the typeface of the clause is relevant to the fulfillment of the duty of reasonable notice [8]. As Internet activities are also mostly visually oriented, administrative agencies can adopt various graphic visualization avenues when publicizing. Secondly, it is also possible to streamline important terms and publicize the full terms by setting up “click here for more information” [9]. Specifically, key texts and sentences can be marked through corresponding special markers, and key provisions can be summarized and guided through a table of contents or a guide map to stimulate the public's willingness to read, so that the rules on the handling of personal information will not be publicized in a vacant space. When formulating and revising the information provisions, administrative agencies need to grasp the conciseness of the text, adopt clear, accurate and easy-to-understand expressions, and at the same time provide explanations of specialized terms in the text, so as to enable the public to form a correct and accurate understanding of the government's actions in handling personal information and the rights and obligations of both parties [10]. Targeted and practical services can also be provided according to the differentiated needs of different users. In addition, the media and platforms for informing can be further enriched to enhance the initiative and reachability and avoid misunderstanding. Corresponding platforms can be designed to visualize the content of personal information and the handling process, so as to ensure that the subject of information is fully informed throughout the information flow process. For example, charts, flow charts or chronological diagrams can be used to visualize the various stages and departments in which personal information is handled and their uses, helping the information subject to clearly see where the personal information is going. In addition, the platform shall have a real-time update function, so that whenever the subject of information's personal information is accessed or used, the platform shall promptly notify

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the subject of information and record information such as the time of the relevant operation, the department, and the purpose of use.

3.3. Targeted refinement of information terms

As far as the statistical status is concerned, it can be found that the content of the statement is characterized by pattern and rigidity. Usually the narrower the scope of application of the privacy policy is more targeted, the higher the degree of matching. In reality, the text of the information clauses of the statistical government websites have substantially identical contents, with similar clauses predominating. Among the websites with relevant personal information clauses, eight of them have similar content of the relevant statements, which are represented by Beijing and Zhejiang, and the relevant clauses of such websites can be categorized into information collection clauses, information use clauses, information protection clauses, user rights clauses and liability clauses.

The first is the part on information collection. There are two types of information collection, the first is passive collection, where users submit relevant information; the second is active collection, where the collection terms also mention that the website will automatically collect relevant information. Among the websites of the same type with more similar texts, these eight websites all have similar clauses of “personal information is required to use some of the functions of the website”, which also include the requirement that “the information provided is true, accurate, valid and complete”. Seven of the websites also have a similar provision that “allows anonymous access” and six have a similar provision that “automatically collects browsing information”. In addition, the website of Sichuan Province also has similar provisions. In Guangxi province, there is an additional condition of user consent and confirmation, which is more cautious about passive collection. Finally, the privacy protection clause of Fujian Province's website is more detailed in the circumstances and contents of information collection, including providing information after consent, providing information when applying for government information, providing information when interacting with the user, providing information for identity authentication, providing information for registration, providing information for logging in, providing information for resetting passwords, and selectively filling in or changing other information about you according to your own needs, and so on. In conclusion, optimizing the terms of information collection by administrative agencies requires not only regulation of the system and process, but also technological innovation to improve the security and efficiency of information collection, and to better serve the public through the establishment of regulatory mechanisms and the promotion of blockchain technology.

The second is the information use section. It is mainly divided into the use of information and third-party use. Among the eight websites of the same type with more similar texts, five of them list the use of information, and the texts are basically the same, and six of them list the third parties to whom the information is not provided and the special circumstances under which the information is provided to the third parties, and the contents of the texts are also basically the same. In addition, Guangxi Province has similar provisions. On this basis, Sichuan Province's website statement is added to the preservation of information, explain the reasons, the provisions of sharing between government departments. In addition, Fujian Province's privacy policy lists the general circumstances

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under which prior authorization is required, as well as the exceptions. In summary, the optimization of the information use policy should clarify the use of the information, set out detailed guidelines for the use of the information, and specify the purpose, scope and conditions of the use of the information. More user control options can also be provided to allow users to choose the way and scope of information use according to their own needs. In addition, in the social practice of the information age, the personal information handling behaviors of administrative agencies show a more diversified and complex trend, with strong scenario characteristics and a single administrative goal often nested in multi-stage handling behaviors. By refining the categories of objectives and behaviors, it is possible to clarify what kind of behaviors are required for the realization of specific purposes within the scope of what can be achieved at present, so as to improve the accuracy of the notification [11].

The third is the user's rights section. The statements of the seven websites with user rights clauses, including that of Fujian Province, are basically centered on the user's "right to view, update, modify and delete", while the statement of the website of Sichuan Province adds a user's "right to copy", with little difference. In terms of optimization, user rights can be further listed and explained in detail in the terms and conditions, providing clear guidelines for the exercise of rights. It is also possible to optimize and simplify the procedures for users to exercise their rights, lower the threshold for exercising them, and establish a mechanism for handling user feedback.

The fourth section is on information protection, with all 11 sites mentioning appropriate technical protection measures. The statement of the Sichuan website also includes brief provisions on "protection of minors" and "authentication protection". In addition, the statement of Fujian Province website also added "information preservation", "handling after exceeding the preservation period", "physical, technical and administrative measures to protect", "Management System Protection", "Leakage Handling", "User Custody Tips" and other corresponding provisions, although relatively brief, but can also provide some guidance for the improvement of information protection provisions. In terms of the optimization path, first of all, the technical protection measures should be updated according to the latest technology, establish certain technical update provisions, according to the real-time changes in security threats, and shorten the technical update cycle to ensure timely updates. In addition, government websites must adhere to the principles of maximum protection and minimum collection of minors' information, establish a guardian consent system, and try to adopt advanced technologies such as biometrics to establish a more accurate age verification mechanism.

The fifth is the section on liability terms. 11 websites have corresponding force majeure exemption clauses, and except for Guizhou, the websites of 10 other provinces and cities also have corresponding provisions on "not providing guarantee". In addition, Zhejiang Province, Sichuan Province, there are relevant "user fault exemption" clause in the statement of the website. In terms of its optimization, in addition to exemption clauses, in addition to the setting of the provisions, more attention should be paid to the attribution of responsibility provisions, clear attribution criteria, including the subject of responsibility, the scope of responsibility, the form of responsibility. It should also establish and simplify the attribution process to improve the efficiency of accountability.

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4. Reinventing the notification procedure for specific counterparties: the special notification construction

For some important cases and important matters, it is not enough to disclose them in the rules, but it is necessary to notify them in a “peer-to-peer” manner. If we do not strengthen the use of special notification obligations as a tool for controlling power, and rely only on the government's self-restraint, it will be difficult to protect the rights and interests of citizens' personal information. In addition, “peer-to-peer” notification also helps to build a relationship of trust between administrative agencies and their administrative counterparts.

4.1. Defining special circumstances for notification

First, the handling of sensitive personal information. The protection of personal information emphasizes the high level of risk associated with sensitive personal information and places special obligations on those who handle sensitive personal information to enhance protection [12]. Administrative agencies handling sensitive personal information should be subject to an aggravated duty of notification. This will help to respond to different levels of protection needs and add to the improvement of the personal information protection system.

Second, the processing of changes of purpose. The principle of purpose limitation in the protection of personal information implies the requirement that it shall be re-informed when dealing with a change of purpose. If the purpose of processing is changed, the principle of clarity of purpose will be broken, and the effect of the original notification will be lost, and a new notification will be required.

Third, the information security incident has occurred or is likely to occur. The obligation to notify the subject of information and the regulatory body after the occurrence of a personal information security incident is to enable the subject of information and the regulatory body to take timely action to prevent secondary damage and to protect the security of the subject of information's property and other interests [13]. The focus of the notification content varies for different subjects. For the regulator, after a personal information security incident, it is necessary to grasp the type, volume and cause of the relevant information as a whole, as well as the relevant measures taken by the personal information processor. For information subjects, it is necessary to grasp in a timely manner the content of the information related to them, the damage that may be caused, and the preventive measures that should be taken in the future.

Fourth, the disclosure of personal information. Disclosure of personal information to intervene in the information relationship between the subject for the unspecified majority of people, the risk of infringement of their legitimate rights and interests cannot be predicted, so for administrative agencies to disclose personal information should be grasped precisely, the fulfilment of the obligation to notify the more stringent. The disclosure of personal information depends on the administrative agencies to consciously fulfil. This notification shall not only specify the type of information to be disclosed but shall also clarify the legal basis for disclosure and the needs of the public interest.

4.2. Optimizing special notification methods

First, the specificity of the content of the notification. In addition to the same parts as other subjects of personal information processing, administrative agencies shall also inform the

public interest of the legal duties they fulfill and the purpose of their actions. Among them, the content of “necessity” mainly includes the administrative purpose of its personal information processing behavior and the public interest it points to. The public interest here should be narrowly defined and should not be broadly defined in general terms, such as “to protect the public interest” or “to promote social development”. Rather, it should be a public interest that is necessary for protection, specific and in accordance with the provisions of the law. Can be combined with the administrative agencies to perform specific legal duties to be informed [14]. Therefore, in terms of special notification, administrative agencies can be required to deal with the objectives of the act of full justification, to be filed and publicize accordingly. Secondly, for the notification of “the impact of personal rights and interests involved”, it may choose to partially inform the relative of the results of the impact assessment of the protection of personal information.

Second, highlighting key elements. There is an insurmountable dichotomy between “fully inform” and “simple and easy to understand”; if “fully inform” is emphasized, the content of the document tends to be lengthy and cumbersome; and the pursuit of “simple and easy to understand” can enhance comprehension, but the complexity of the information is difficult to convey accurately, thus failing to fully safeguard users' knowledge. The pursuit of “simplicity and comprehensibility” makes it difficult to communicate accurately. Procedural obligation of notification procedure is a reliable way to resist arbitrary decisions and abuse of power, and it is the least costly of the available options. Therefore, even if it is costly to inform a specific person, it should still be done effectively. First, the presentation of the information can be optimized. Avoid information overload, use clear and easy-to-understand language, and highlight provisions that significantly affect the rights and interests of individuals (for example, by using bolding, increased font size or eye-catching colors), so that users can quickly grasp the key information. Second, it is also necessary to reduce duplicate notifications and avoid pushing the same content frequently. Ensure that message content is fresh and relevant to maintain user interest and engagement.

Third, using pop-up windows for immediate prompting. Pop-up windows, as an emerging mode of information notification, are of great significance in improving the efficiency of information notification and safeguarding the rights and interests of the subject of information. Reasonable notification not only means that the relative should be given a reasonable explanation of the matter being dealt with, but also includes being informed within a reasonable period of time. Appearing at the moment when the user carries out the relevant operation can ensure the timeliness of the information notification. By displaying information in real time, it ensures that users can obtain the latest information and attract their attention when performing operations, thus improving the accuracy and effectiveness of the notification. In addition, this method also increases the interactivity. The pop-up window not only displays information in real time, but also provides interactive options, such as agreeing or refusing, so that users can choose and give feedback while obtaining information.

5. Conclusion

In the digital era, personal information, as a fundamental element, is being integrated into all fields and links of government governance in modern society with unprecedented depth and breadth, and is gradually developing into an important driving force and a key means

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to promote the modernization of governance [15]. As super-large personal information processors, administrative agencies, in the process of personal information processing, there is a greater degree of abuse of administrative power, the risk of violating the rights and interests of citizens' personal information. However, at the practical level, the procedural obligations of administrative agencies in handling personal information are very briefly stipulated. This paper takes the notification procedure as a starting point, distinguishes the types of notification procedures for administrative agencies handling personal information, and improves the rules of notification procedures in terms of both general notification and special notification. The protection of personal information should not be overly demanding on the self-protection ability of the subject of information, and the burden should be given more to the information processor. Especially in the special situation of handling personal information by administrative agencies, where there is a serious inequality between the information processor and the subject of information, the administrative agencies are expected to fulfill more procedural obligations in order to achieve a balance.

REFERENCES

1. X.X. Wang, The package of personal information rights seen from the perspective of state protection, *Social Sciences in China*, 11(2021) 115-134+206-207.
2. G. Liu, Research on public law framework of personal data protection-public health emergencies as example, *Gansu Social Sciences*, 4(2020) 155-162.
3. A.J. Li and Y.D. Sun, Systematic interpretation of fair use rule and separate informed-consent rule of personal information, *Journal of Northwestern Polytechnical University (Social Sciences)*, 3(2023) 112-127.
4. W.J. Liu, Why and how to achieve transparency: establishing rules for artificial intelligence law, *Journal of Comparative Law*, 2(2024): 120-134.
5. W.G. Yu and Z.X. Zheng, The Jus Publicum construction of government agencies' obligations to disclose when handling personal information in the digital age, *Human Rights*, 3(2022) 1-20.
6. Y.M. Zhang and Y.F. Hu, Personalized service delivery in digital government: what kind of government website does the public prefer? --an empirical analysis based on website functional design, information provision and visual styles, *E-Government*, 4 (2024) 101-112.
7. Z.H. Gao, Interest measurement of judicial protection of personal information, *Contemporary Law Review*, 38(1) (2024) 31-43.
8. Q.F. Xia, Improvement of the notification obligation and dynamic anonymization for the protection of personal information in cyberspace, *Jiangnan Tribune*, 3 (2022) 95-103.
9. Q.F. Xia, The defective performance and improving measures of the reminding or explanation obligation for standard terms in online contracts, *Tsinghua Law Journal*, 16(6) (2022) 118-133.
10. H. Yuan and S.J. Zhang, Content analysis of the privacy policy of government affairs app under the environment of 'Internet+ government services', *Journal of Modern Information*, 42(3) (2022) 121-132.

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11. Y.K. Wang, A research on the legitimacy standard of personal information processing behaviors by in state organs, *China Law Review*, 42(6) (2021) 210-218.
12. L.M. Wang, Basic Issues in the protection of sensitive personal information——based on the interpretation of the civil code and personal information protection law, *Contemporary Law Review*, 36(1) (2022) 3-14.
13. D. Wang, On the notification obligation of personal information leakage events, *Administrative Law Review*, 2(2023) 82-94.
14. L.Y. Sun, Reasonable limits of government collection of personal data, *Tribune of Political Science and Law*, 42(3) (2024) 89-101.
15. B. Zhang, Research on Administrative Rule of Law Control of Handling Personal Information in Government Performance, *Journal of the Party School of Fuzhou*, 1 (2024) 69-76.