

Personal Information Protection Law of the People's Republic of China (Second Draft)
中华人民共和国个人信息保护法(草案) (二次审议稿)

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中文原稿	English Version
中华人民共和国个人信息保护法（草案） (二次审议稿)	Personal Information Protection Law of the People's Republic of China (Draft) (Second Draft for Review)
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第一章 总则	Chapter 1 General
第一条 为了保护个人信息权益，规范个人信息处理活动，促进个人信息合理利用，制定本法。	Article 1 This law is enacted to protect personal information rights and interests, regulate personal information processing activities, and promote the reasonable use of personal information.
第二条 自然人的个人信息受法律保护，任何组织、个人不得侵害自然人的个人信息权益。	Article 2 The personal information of natural persons is protected by law, and no organization or individual may infringe upon natural persons' personal information rights or interests.
第三条 组织、个人在中华人民共和国境内处理自然人个人信息的活动，适用本法。在中华人民共和国境外处理中华人民共和国境内自然人个人信息的活动，有下列情形之一的，也适用本法： （一） 以向境内自然人提供产品或者服务为目的； （二） 分析、评估境内自然人的行为； （三） 法律、行政法规规定的其他情形。	Article 3 This law applies to processing of personal information of natural persons by organizations and individuals that is undertaken within the territory of the People's Republic of China. This law also applies to processing of the personal information of natural persons within the People's Republic of China that is undertaken outside the People's Republic of China if such activities are: (1) for the purpose of providing products or services to natural persons within the territory; (2) conducted to analyze and assess the behavior of natural persons within the territory; or (3) in any of the other circumstances stipulated by laws and administrative regulations.

<p>第四条 个人信息是以电子或者其他方式记录的与已识别或者可识别的自然人有关的各种信息，不包括匿名化处理后的信息。</p> <p>个人信息的处理包括个人信息的收集、存储、使用、加工、传输、提供、公开等。</p>	<p>Article 4 Personal information means all kinds of electronically or otherwise recorded information related to identified or identifiable natural persons, excluding anonymized information.</p> <p>The processing of personal information includes the collection, storage, use, processing, transmission, provision and public disclosure of personal information.</p>
<p>第五条 处理个人信息应当采用合法、正当的方式，遵循诚信原则，不得通过误导、欺诈、胁迫等方式处理个人信息。</p>	<p>Article 5 Personal information shall be processed in a lawful and justifiable manner and in accordance with the principle of good faith, and shall not be processed in a misleading, fraudulent, coercive or similar manner.</p>
<p>第六条 处理个人信息应当具有明确、合理的目的，并应当限于实现处理目的所必要的最小范围、采取对个人权益影响最小的方式，不得进行与处理目的无关的个人信息处理。</p>	<p>Article 6 The processing of personal information shall be for a clear and reasonable purpose, limited to the minimum scope necessary for achieving the purpose of processing, and conducted in a manner that has the minimum impact upon personal interests, and no processing of personal information unrelated to such purpose shall be conducted.</p>
<p>第七条 处理个人信息应当遵循公开、透明的原则，公开个人信息处理规则，明示处理的目的、方式和范围。</p>	<p>Article 7 The processing of personal information shall follow the principles of openness and transparency, the rules for processing personal information shall be made public, and the purpose, method and scope of processing shall be expressly indicated.</p>
<p>第八条 处理个人信息应当保证个人信息的质量，避免因个人信息不准确、不完整对个人权益造成不利影响。</p>	<p>Article 8 The processing of personal information shall assure the quality of the personal information, to avoid adverse effects on personal interests due to the inaccuracy or incompleteness of personal information.</p>
<p>第九条 个人信息处理者应当对其个人信息处理活动负责，并采取必要措施保障所处理的个人信息的安全。</p>	<p>Article 9 The personal information processor shall be responsible for its processing of personal information and take necessary measures to safeguard the security of the personal information processed.</p>
<p>第十条 任何组织、个人不得违反法律、行政法规的规定处理个人信息，不得从事危害国家安全、公共利益的个人信息处理活动。</p>	<p>Article 10 No organization or individual may process personal information in violation of laws or administrative regulations or engage in personal information processing activities that endanger national security or the public interest.</p>
<p>第十一条 国家建立健全个人信息保护制度，预防和惩治侵害个人信息权益的行为，加强个人信息保护宣传教育，推动形成政府、企业、相关行业组织、社会公众共同参与个人信息保护的良好环境。</p>	<p>Article 11 The State shall establish a sound personal information protection system, prevent and punish acts that infringe upon personal information rights or interests, strengthen publicity and education on personal information protection, and promote the formation of a good environment where the government, enterprises, relevant industrial organizations, and the general public jointly participate in personal information protection.</p>
<p>第十二条 国家积极参与个人信息保护国际规则的制定，促进个人信息保护方面的国际交流与合作，推动与其他国家、地区、国际组织之间的个人信息保护规则、标准等的互认。</p>	<p>Article 12 The State shall actively participate in the formulation of international rules for personal information protection, promote international exchanges and cooperation in personal information protection, and advance the mutual recognition of rules and standards for personal information protection with other countries, regions, and international organizations.</p>
<p>第二章 个人信息处理规则</p>	<p>Chapter II Rules for Processing Personal Information</p>
<p>第一节 一般规定</p>	<p>Section 1 General Provisions</p>
<p>第十三条 符合下列情形之一的，个人信息处理者方可处理个人信息：</p> <p>（一）取得个人的同意；</p> <p>（二）为订立或者履行个人作为一方当事人的合同所必需；</p> <p>（三）为履行法定职责或者法定义务所必需；</p>	<p>Article 13 A personal information processor may process personal information only:</p> <p>(1) after obtaining the consent of the individual concerned;</p> <p>(2) when necessary for the conclusion or performance of a contract to which the individual concerned is a party;</p> <p>(3) when necessary for the performance of a statutory duty or obligation;</p>

<p>（四）为应对突发公共卫生事件，或者紧急情况下为保护自然人的生命健康和财产安全所必需；</p> <p>（五）依照本法规定在合理的范围内处理已公开的个人信息；</p> <p>（六）为公共利益实施新闻报道、舆论监督等行为，在合理的范围内处理个人信息；</p> <p>（七）法律、行政法规规定的其他情形。</p> <p>依照本法其他有关规定，处理个人信息应当取得个人同意，但有前款第二项至第七项规定情形的，不需取得个人同意。</p>	<p>(4) when necessary for responding to a public health emergency, or for protecting the life, health or property safety of a natural person in an emergency;</p> <p>(5) for processing publicly disclosed information to a reasonable extent in accordance with this law;</p> <p>(6) if personal information is processed to a reasonable extent for carrying out news reporting, public opinion supervision and other activities for the public interest; or</p> <p>(7) in other circumstances stipulated by laws and administrative regulations.</p> <p>The processing of personal information under other provisions of this law is subject to the relevant individual's consent, except that no consent of the relevant individual is required in the circumstances specified in (2)-(7) above.</p>
<p>第十四条 处理个人信息的同意，应当由个人在充分知情的前提下自愿、明确作出。法律、行政法规规定处理个人信息应当取得个人单独同意或者书面同意的，从其规定。</p> <p>个人信息的处理目的、处理方式和处理的个人信息种类发生变更的，应当重新取得个人同意。</p>	<p>Article 14 The consent to the processing of personal information shall be given by an individual voluntarily and clearly on the premise that the individual is fully informed. Where a law or administrative regulation provides that the processing of personal information is subject to the relevant individual's separate consent or written consent, the provisions thereof shall prevail.</p> <p>In the event of any change in the purpose or method of processing, or the types of personal information processed, the relevant individual's consent shall be obtained again.</p>
<p>第十五条 个人信息处理者处理不满十四周岁未成年人个人信息的，应当取得未成年人的父母或者其他监护人的同意。</p>	<p>Article 15 Where a personal information processor processes personal information of a minor under 14, the consent of a parent or another guardian of the minor shall be obtained.</p>
<p>第十六条 基于个人同意而进行的个人信息处理活动，个人有权撤回其同意。个人信息处理者应当提供便捷的撤回同意的方式。</p> <p>个人撤回同意，不影响撤回前基于个人同意已进行的个人信息处理活动的效力。</p>	<p>Article 16 The individual has the right to withdraw his/her consent to the processing of personal information undertaken based on his/her consent. The personal information processor shall provide a convenient way to withdraw consent.</p> <p>An individual's withdrawal of his/her consent does not affect the effectiveness of the processing of personal information undertaken based on his/her consent before the withdrawal.</p>
<p>第十七条 个人信息处理者不得以个人不同意处理其个人信息或者撤回其对个人信息处理的同意为由，拒绝提供产品或者服务；处理个人信息属于提供产品或者服务所必需的除外。</p>	<p>Article 17 The personal information processor shall not refuse to provide a product or service on the grounds that the individual has not consented to the processing of his/her personal information or has withdrawn his/her consent to the processing of personal information, unless the processing of personal information is necessary for the provision of the product or service.</p>
<p>第十八条 个人信息处理者在处理个人信息前，应当以显著方式、清晰易懂的语言向个人告知下列事项：</p> <p>（一）个人信息处理者的身份和联系方式；</p> <p>（二）个人信息的处理目的、处理方式，处理的个人信息种类、保存期限；</p> <p>（三）个人行使本法规定权利的方式和程序；</p> <p>（四）法律、行政法规规定应当告知的其他事项。</p> <p>前款规定事项发生变更的，应当将变更部分告知个人。</p> <p>个人信息处理者通过制定个人信息处理规则的方式告知第一款规定事项的，处理规则应当公开，并且便于查阅和保存。</p>	<p>Article 18 Before processing personal information, the personal information processor shall prominently notify the individual of the following matters in clear and understandable language:</p> <p>(1) the identity and contact information of the personal information processor;</p> <p>(2) the purpose and method of processing personal information, the types of personal information processed, and the storage period;</p> <p>(3) the method and procedure for the individual to exercise his/her rights under this law; and</p> <p>(4) other matters subject to notice as prescribed by laws or administrative regulations.</p> <p>Where there is a change in the matters specified in the preceding paragraph, the individual shall be notified of such change.</p> <p>Where the personal information processor gives a notice of the matters specified in the preceding paragraph by formulating rules for</p>

	processing personal information, such rules shall be made public and easy to access and store.
<p>第十九条 个人信息处理者处理个人信息，有法律、行政法规规定应当保密或者不需要告知的情形的，可以不向个人告知前条规定的事项。</p> <p>紧急情况下为保护自然人的生命健康和财产安全无法及时向个人告知的，个人信息处理者应当在紧急情况消除后及时告知。</p>	<p>Article 19 The personal information processor may not notify the individual of the matters stipulated in the preceding article when processing personal information under circumstances where a law or administrative regulation requires confidentiality or does not require notice.</p> <p>In an emergency where, to protect the life, health and property safety of natural persons, it is impossible to notify the individual in a timely manner, the personal information processor shall notify them in a timely manner after the elimination of the emergency.</p>
<p>第二十条 个人信息的保存期限应当为实现处理目的所必要的最短时间。法律、行政法规对个人信息的保存期限另有规定的，从其规定。</p>	<p>Article 20 Personal information shall be stored for the minimum period necessary to achieve the purpose of processing. Where a law or administrative regulation contains different provisions on the storage period for personal information, such provisions shall prevail.</p>
<p>第二十一条 两个以上的个人信息处理者共同决定个人信息的处理目的和处理方式的，应当约定各自的权利和义务。但是，该约定不影响个人向其中任何一个个人信息处理者要求行使本法规定的权利。</p> <p>个人信息处理者共同处理个人信息，侵害个人信息权益的，应当承担连带责任。</p>	<p>Article 21 Where more than two personal information processors jointly decide on the purpose and method of processing personal information, they shall agree on their respective rights and obligations. However, such agreement shall not affect an individual’s right to make a request to any one of the personal information processors in the exercise of his/her rights as prescribed by this law.</p> <p>Where personal information processors jointly process personal information and infringe on personal information rights or interests, they shall bear joint and several liability.</p>
<p>第二十二条 个人信息处理者委托处理个人信息的，应当与受托方约定委托处理的目的、期限、处理方式、个人信息的种类、保护措施以及双方的权利和义务等，并对受托方的个人信息处理活动进行监督。</p> <p>受托方应当按照约定处理个人信息，不得超出约定的处理目的、处理方式等处理个人信息；委托合同不生效、无效、被撤销或者终止的，受托方应当将个人信息返还个人信息处理者或者予以删除，不得保留。</p> <p>未经个人信息处理者同意，受托方不得转委托他人处理个人信息。</p>	<p>Article 22 If a personal information processor entrusts another party to process personal information, it shall agree with the entrusted party on the purpose, term and method of the entrusted processing, the types of personal information, protective measures, as well as the rights and obligations of both parties, and supervise the processing of personal information by the entrusted party.</p> <p>The entrusted party shall process personal information as agreed, may not process personal information beyond the agreed matters such as the purpose and method of processing; and where the entrustment contract is ineffective, invalid, cancelled or terminated, the entrusted party shall return the personal information to the personal information processor or delete such information, and shall not retain such information.</p> <p>Without the consent of the personal information processor, the entrusted party may not further entrust another party to process personal information.</p>
<p>第二十三条 个人信息处理者因合并、分立等原因需要转移个人信息的，应当向个人告知接收方的身份、联系方式。接收方应当继续履行个人信息处理者的义务。接收方变更原先的处理目的、处理方式，应当依照本法规定重新取得个人同意。</p>	<p>Article 23 Where a personal information processor needs to transfer personal information due to reasons such as a merger or division, it shall inform the individuals concerned of the recipient’s identity and contact information. The recipient shall continue to perform the personal information processor's obligations. Where the recipient changes the original purpose or method of processing, it shall obtain the consent of the individuals concerned again in accordance with this law.</p>
<p>第二十四条 个人信息处理者向他人提供其处理的个人信息的，应当向个人告知接收方的身份、联系方式、处理目的、处理方式和个人信息的种类，并取得个人的单独同意。接收方应当在上述处理目的、处理方式和个人信息的种类等范围内处理个人信息。接收方变更原先的处理目的、处理方式的，应当依照本法规定重新取得个人同意。</p>	<p>Article 24 Where a personal information processor provides any personal information processed by it to another party, it shall inform the individuals concerned of the recipient’s identity and contact information, the purpose and method of processing, and the types of personal information, and obtain the separate consent of the individuals concerned. The recipient shall process such information within the foregoing scope concerning matters such as the purpose and method of processing and the types of personal information. If the recipient changes the original purpose or method of processing, it shall obtain the consent of the individuals concerned again in accordance with this law.</p>

<p>第二十五条 利用个人信息进行自动化决策，应当保证决策的透明度和结果公平合理。</p> <p>通过自动化决策方式进行商业营销、信息推送，应当同时提供不针对其个人特征的选项，或者向个人提供拒绝的方式。</p> <p>通过自动化决策方式作出对个人权益造成重大影响的决定，个人有权要求个人信息处理者予以说明，并有权拒绝个人信息处理者仅通过自动化决策的方式作出决定。</p>	<p>Article 25 When personal information is used for automated decision-making, the transparency of decision-making and the fairness and reasonableness of the results of processing shall be guaranteed.</p> <p>When engaging in commercial marketing and information pushing through automated decision-making, options not specific to individuals' personal characteristics shall also be provided, or a method to opt out shall be provided to individuals.</p> <p>Where a decision that has a significant impact on an individual is made through automated decision-making, the individual has the right to require an explanation from the personal information processor, and to refuse to permit the personal information processor to make decisions only through automated decision-making.</p>
<p>第二十六条 个人信息处理者不得公开其处理的个人信息，取得个人单独同意的除外。</p>	<p>Article 26 The personal information processor shall not disclose the personal information that it processes, except as separately consented to by the individuals concerned.</p>
<p>第二十七条 在公共场所安装图像采集、个人身份识别设备，应当为维护公共安全所必需，遵守国家有关规定，并设置显著的提示标识。所收集的个人图像、个人身份特征信息只能用于维护公共安全的目的，不得公开或者向他人提供，取得个人单独同意的除外。</p>	<p>Article 27 The installation of image collection or personal identification equipment in public places shall be necessary for safeguarding public safety, in compliance with the relevant regulations of the State, and accompanied by a conspicuous signage. The personal images and the information about personal identity features collected may only be used for the purpose of safeguarding public safety, and shall not be disclosed or provided to others, except as separately consented to by the individuals concerned.</p>
<p>第二十八条 个人信息处理者处理已公开的个人信息，应当符合该个人信息被公开时的用途。超出与该用途相关的合理范围的，应当依照本法规定取得个人同意。</p> <p>个人信息被公开时的用途不明确的，个人信息处理者应当合理、谨慎地处理已公开的个人信息。利用已公开的个人信息从事对个人有重大影响的活动，应当依照本法规定取得个人同意。</p>	<p>Article 28 A personal information processor's processing of personal information that has already been disclosed shall be consistent with the purpose at the time it was disclosed. Where the processing exceeds the reasonable scope related to the purpose, the personal processor shall obtain the consent of the individuals concerned in accordance with this law.</p> <p>Where the purpose is not made clear at the time the personal information is disclosed, the personal information processor shall process the disclosed personal information in a reasonable and cautious manner. To use personal information that has been disclosed to engage in activities that have a significant impact on the individuals concerned, the personal information processor shall obtain their consent in accordance with this law.</p>
<p>第二节 敏感个人信息的处理规则</p>	<p>Section 2 Rules for Processing Sensitive Personal Information</p>
<p>第二十九条 个人信息处理者具有特定的目的和充分的必要性，方可处理敏感个人信息。</p> <p>敏感个人信息是一旦泄露或者非法使用，可能导致个人受到歧视或者人身、财产安全受到严重危害的个人信息，包括种族、民族、宗教信仰、个人生物特征、医疗健康、金融账户、个人行踪等信息。</p>	<p>Article 29 A personal information processor may process sensitive personal information only for a specific purpose and when there is a sufficient necessity.</p> <p>Sensitive personal information means personal information that may cause discrimination against an individual or serious harm to personal or property safety once disclosed or illegally used, including race, ethnicity, religious belief, personal biological characteristics, medical health, financial accounts, personal whereabouts and other such information.</p>
<p>第三十条 基于个人同意处理敏感个人信息的，个人信息处理者应当取得个人的单独同意。法律、行政法规规定处理敏感个人信息应当取得书面同意的，从其规定。</p>	<p>Article 30 Where the processing of sensitive personal information is based on the individual’s consent, the personal information processor shall obtain the individual's separate consent. Where a law or administrative regulation provides that written consent shall be obtained for processing sensitive personal information, the provisions thereof shall prevail.</p>
<p>第三十一条 个人信息处理者处理敏感个人信息的，除本法第十八条第一款规定的事项外，还应当向个人告知处理敏感个人信息的必要性以及对个人的影响。</p>	<p>Article 31 When processing sensitive personal information, the personal information processor shall also inform the individual concerned of the necessity of processing such information and the impact on the individual in addition to the matters specified in Article 18, Paragraph 1 of this law.</p>

第三十二条 法律、行政法规对处理敏感个人信息规定应当取得相关行政许可或者作出其他限制的，从其规定。	Article 32 Where a law or administrative regulation provides that relevant administrative licenses shall be obtained for or imposes other restrictions on the processing of sensitive personal information, the provisions thereof shall prevail.
第三节 国家机关处理个人信息的特别规定	Section 3 Special Provisions on Processing of Personal Information by State Organs
第三十三条 国家机关处理个人信息的活动，适用本法；本节有特别规定的，适用本节规定。	Article 33 This law applies to the processing of personal information by State organs; where there are special provisions in this section, such provisions shall prevail.
第三十四条 国家机关为履行法定职责处理个人信息，应当依照法律、行政法规规定的权限、程序进行，不得超出履行法定职责所必需的范围和限度。	Article 34 A State organ's processing of personal information for the purpose of performing its statutory duties shall be conducted in accordance with the authority and procedures as prescribed by laws and administrative regulations, and may not exceed the scope and limits necessary to perform its statutory duties.
第三十五条 国家机关为履行法定职责处理个人信息，应当依照本法规定向个人告知并取得其同意；法律、行政法规规定应当保密，或者告知、取得同意将妨碍国家机关履行法定职责的除外。	Article 35 A State organ's processing of personal information for the purpose of performing its statutory duties is subject to a notice to and the consent of the individual concerned in accordance with this law, except where laws or administrative regulations require confidentiality, or where a notice and obtaining consent will hinder the State organ's performance of its statutory duties.
第三十六条 国家机关处理的个人信息应当在中华人民共和国境内存储；确需向境外提供的，应当进行风险评估。风险评估可以要求有关部门提供支持协助。	Article 36 Personal information processed by State organs shall be stored within the territory of the People's Republic of China. Where it is truly necessary to provide such information to a party abroad, a risk assessment shall be conducted. Relevant departments may be required to provide support and assistance for risk assessments.
第三十七条 法律、法规授权的具有管理公共事务职能的组织为履行法定职责处理个人信息，适用本法关于国家机关处理个人信息的规定。	Article 37 This law’s provisions on the processing of personal information by State organs apply to the processing of personal information by an organization carrying out its statutory duties, where the organization has the regulatory function to administer public affairs delegated to it under laws and regulations.
第三章 个人信息跨境提供的规则	Chapter III Rules for Cross-border Provision of Personal Information
第三十八条 个人信息处理者因业务等需要，确需向中华人民共和国境外提供个人信息的，应当至少具备下列一项条件： （一）依照本法第四十条的规定通过国家网信部门组织的安全评估； （二）按照国家网信部门的规定经专业机构进行个人信息保护认证； （三）按照国家网信部门制定的标准合同与境外接收方订立合同，约定双方的权利和义务，并监督其个人信息处理活动达到本法规定的个人信息保护标准； （四）法律、行政法规或者国家网信部门规定的其他条件。	Article 38 Where it is truly necessary for a personal information processor to provide personal information to a party outside the People's Republic of China for business or other needs, at least one of the following conditions shall be satisfied: (1) passing the security assessment conducted by the cyberspace administration department of the State in accordance with Article 40 of this law; (2) undergoing personal information protection certification conducted by a specialized agency in accordance with the requirements of the cyberspace administration department of the State; (3) concluding a contract with the overseas recipient in the standard form promulgated by the cyberspace administration department of the State, to agree on the rights and obligations of both parties, and supervising its personal information processing activities to ensure they meet the personal information protection standards specified in this law; or (4) meeting the other conditions prescribed by laws, administrative regulations or the cyberspace administration department of the State.
第三十九条 个人信息处理者向中华人民共和国境外提供个人信息的，应当向个人告知境外接收方的身份、联系方式、处理目的、处理方式、个人信息的种类以及个人向境外接收方行使本法规定权利的方式等事项，并取得个人的单独同意。	Article 39 Where a personal information processor provides personal information to a party outside the territory of the People's Republic of China, it shall notify the individual concerned of the identity and contact information of the overseas recipient, the purpose and method of processing, the types of personal information, as well as the method for the individual to exercise his

	or her rights hereunder against the overseas recipient, and obtain the individual’s separate consent.
第四十条 关键信息基础设施运营者和处理个人信息达到国家网信部门规定数量的个人信息处理者，应当将在中华人民共和国境内收集和产生的个人信息存储在境内。确需向境外提供的，应当通过国家网信部门组织的安全评估；法律、行政法规和国家网信部门规定可以不进行安全评估的，从其规定。	Article 40 Critical information infrastructure operators and personal information processors processing personal information that reaches the amount prescribed by the cyberspace administration department of the State shall store within the territory of the People's Republic of China the personal information collected and generated therein. Where it is truly necessary to provide such information to a party abroad, they shall pass the security assessment conducted by the cyberspace administration department of the State; where a law, administrative regulation or requirement of the cyberspace administration department of the State provides that the security assessment is not required, the provisions thereof shall prevail.
第四十一条 中华人民共和国境外的司法或者执法机构要求提供存储于中华人民共和国境内的个人信息的，非经中华人民共和国主管机关批准，不得提供；中华人民共和国缔结或者参加的国际条约、协定有规定的，可以按照其规定执行。	Article 41 Where a judicial or law enforcement authority outside the People’s Republic of China requests the provision of any personal information stored in the People’s Republic of China, no such information shall be provided without approval by the competent authority of the People’s Republic of China; and where international treaties or agreements concluded or acceded to by the People's Republic of China have relevant provisions, such provisions may be followed.
第四十二条 境外的组织、个人从事损害中华人民共和国公民的个人信息权益，或者危害中华人民共和国国家安全、公共利益的个人信息的处理活动的，国家网信部门可以将其列入限制或者禁止个人信息提供清单，予以公告，并采取限制或者禁止向其提供个人信息等措施。	Article 42 Where an overseas organization or individual engages in personal information processing activities that harm the personal information rights or interests of citizens of the People's Republic of China, or endanger the national security or the public interest of the People's Republic of China, the cyberspace administration department of the State may include such organization or individual in a list of parties to whom provision of personal information is restricted or prohibited, make an announcement thereof, and take measures to restrict or prohibit the provision of personal information to such organization or individual.
第四十三条 任何国家和地区在个人信息保护方面对中华人民共和国采取歧视性的禁止、限制或者其他类似措施的，中华人民共和国可以根据实际情况对该国家或者该地区对等采取措施。	Article 43 Where any country or region adopts discriminatory prohibitive, restrictive or other similar measures against the People's Republic of China in respect of personal information protection, the People's Republic of China may take equivalent measures against the country or region according to the actual circumstances.
第四章 个人在个人信息处理活动中的权利	Chapter IV Rights of Individuals Concerning Personal Information Processing Activities
第四十四条 个人对其个人信息的处理享有知情权、决定权，有权限制或者拒绝他人对其个人信息进行处理；法律、行政法规另有规定的除外。	Article 44 The individual has the right to be informed of and decide on the processing of his/her personal information, and the right to restrict or refuse others to process his/her personal information, unless otherwise provided for by laws or administrative regulations.
第四十五条 个人有权向个人信息处理者查阅、复制其个人信息；有本法第十九条第一款规定情形的除外。 个人请求查阅、复制其个人信息的，个人信息处理者应当及时提供。	Article 45 The individual has the right to access and copy his/her personal information from personal information processors, except in the circumstance as prescribed in Paragraph 1 of Article 19 of this law. Where the individual requests access to or copies of his/her personal information, personal information processors shall provide such information in a timely manner.
第四十六条 个人发现其个人信息不准确或者不完整的，有权请求个人信息处理者更正、补充。 个人请求更正、补充其个人信息的，个人信息处理者应当对其个人信息予以核实，并及时更正、补充。	Article 46 Where the individual discovers that his/her personal information is inaccurate or incomplete, he/she has the right to request personal information processors to make corrections and supplements. Where the individual requests that his/her personal information be corrected or supplemented, the personal information processor shall verify his/her personal information and make corrections and supplements in a timely manner.

<p>第四十七条 有下列情形之一的，个人信息处理者应当主动删除个人信息；个人信息处理者未删除的，个人有权请求删除：</p> <p>（一）处理目的已实现或者为实现处理目的不再必要；</p> <p>（二）个人信息处理者停止提供产品或者服务，或者保存期限已届满；</p> <p>（三）个人撤回同意；</p> <p>（四）个人信息处理者违反法律、行政法规或者违反约定处理个人信息；</p> <p>（五）法律、行政法规规定的其他情形。</p> <p>法律、行政法规规定的保存期限未届满，或者删除个人信息从技术上难以实现的，个人信息处理者应当停止除存储和采取必要的安全保护措施之外的处理。</p>	<p>Article 47 A personal information processor shall delete personal information on its own initiative and, if the personal information processor fails to do so, the individual shall have the right to request deletion:</p> <p>(1) if the purpose of processing has been achieved, or the information is no longer necessary for achieving the purpose of processing;</p> <p>(2) if the personal information processor stops providing the products or services, or the storage period has expired;</p> <p>(3) if the individual withdraws his/her consent;</p> <p>(4) if the personal information processor processes personal information in violation of any law, administrative regulation or agreement; or</p> <p>(5) in other circumstances as prescribed by laws or administrative regulations.</p> <p>Where the storage period as prescribed by laws or administrative regulations has not expired, or the deletion of personal information is technically difficult to achieve, the personal information processor shall stop processing the personal information, except for keeping the same and taking necessary security protection measures.</p>
<p>第四十八条 个人有权要求个人信息处理者对其个人信息处理规则进行解释说明。</p>	<p>Article 48 The individual has the right to request the personal information processor to explain its rules for processing personal information.</p>
<p>第四十九条 自然人死亡的，本章规定的个人在个人信息处理活动中的权利，由其近亲属行使。</p>	<p>Article 49 After a natural person dies, the rights he/she may have had as an individual in personal information processing activities under this Chapter shall be exercised by a close relative.</p>
<p>第五十条 个人信息处理者应当建立个人行使权利的申请受理和处理机制。拒绝个人行使权利的请求的，应当说明理由。</p>	<p>Article 50 The personal information processor shall establish a mechanism for accepting and processing the individual’s application for exercising his/her rights. Where such an application is rejected, the reason shall be explained.</p>
<p>第五章个人信息处理者的义务</p>	<p>Chapter V Obligations of Personal Information Processors</p>
<p>第五十一条 个人信息处理者应当根据个人信息处理目的、处理方式、个人信息的种类以及对个人的影响、可能存在的安全风险等，采取必要措施确保个人信息处理活动符合法律、行政法规的规定，并防止未经授权的访问以及个人信息泄露或者被窃取、篡改、删除：</p> <p>（一）制定内部管理制度和操作规程；</p> <p>（二）对个人信息实行分类管理；</p> <p>（三）采取相应的加密、去标识化等安全技术措施；</p> <p>（四）合理确定个人信息处理的操作权限，并定期对从业人员进行安全教育和培训；</p> <p>（五）制定并组织实施个人信息安全事件应急预案；</p> <p>（六）法律、行政法规规定的其他措施。</p>	<p>Article 51 The personal information processor shall, according to the purpose and method of processing, the types of personal information, the impact on individuals and potential security risks, take necessary measures to ensure that the processing of personal information is in compliance with laws and administrative regulations, and prevent unauthorized access to, breach, theft, falsification, or deletion of personal information:</p> <p>(1) formulating an internal management system and operation rules;</p> <p>(2) implementing classified personal information management;</p> <p>(3) taking the corresponding technical security measures, such as encryption and de-identification;</p> <p>(4) reasonably determining operation authority for processing personal information, and regularly providing security education and training for employees;</p> <p>(5) formulating and organizing the implementation of a plan of emergency response to personal information security incidents; and</p> <p>(6) taking other measures as prescribed by laws or administrative regulations.</p>
<p>第五十二条 处理个人信息达到国家网信部门规定数量的个人信息处理者应当指定个人信息保护负责人，负责对个人信息处理活动以及采取的保护措施等进行监督。</p>	<p>Article 52 The personal information processor processing personal information that reaches the amount specified by the cyberspace administration department of the State shall designate a person in charge of personal information protection to supervise</p>

<p>个人信息处理者应当公开个人信息保护负责人的联系方式，并将个人信息保护负责人的姓名、联系方式等报送履行个人信息保护职责的部门。</p>	<p>personal information processing activities and the protective measures taken.</p> <p>The personal information processor shall disclose the contact information of the person in charge of personal information protection, and report the name and contact information of such person to the department performing personal information protection duties.</p>
<p>第五十三条 本法第三条第二款规定的中华人民共和国境外的个人信息处理者，应当在中华人民共和国境内设立专门机构或者指定代表，负责处理个人信息保护相关事务，并将有关机构的名称或者代表的姓名、联系方式等报送履行个人信息保护职责的部门。</p>	<p>Article 53 A personal information processor outside the territory of the People’s Republic of China as specified in the second paragraph of Article 3 of this law shall establish a specialized agency or designate a representative within the territory of the People’s Republic to be responsible for matters related to personal information protection, and report the name and contact information of the relevant agency or representative to the department performing personal information protection duties.</p>
<p>第五十四条 个人信息处理者应当定期对其个人信息处理活动遵守法律、行政法规的情况进行合规审计。</p>	<p>Article 54 A personal information processor shall regularly audit its personal information processing activities’ compliance with the provisions of laws and administrative regulations.</p>
<p>第五十五条 个人信息处理者应当对下列个人信息处理活动在事前进行风险评估，并对处理情况进行记录：</p> <p>（一） 处理敏感个人信息；</p> <p>（二） 利用个人信息进行自动化决策；</p> <p>（三） 委托处理个人信息、向他人提供个人信息、公开个人信息；</p> <p>（四） 向境外提供个人信息；</p> <p>（五） 其他对个人有重大影响的个人信息处理活动。</p> <p>风险评估的内容应当包括：</p> <p>（一） 个人信息的处理目的、处理方式等是否合法、正当、必要；</p> <p>（二） 对个人的影响及风险程度；</p> <p>（三） 所采取的安全保护措施是否合法、有效并与风险程度相适应。</p> <p>风险评估报告和处理情况记录应当至少保存三年。</p>	<p>Article 55 The personal information processor shall conduct risk assessments for the following personal information processing activities in advance and record the processing:</p> <p>(1) processing sensitive personal information;</p> <p>(2) using personal information for automated decision-making;</p> <p>(3) entrusting others to process personal information, providing personal information to another party, and disclosing personal information;</p> <p>(4) providing personal information abroad;</p> <p>(5) other personal information processing activities with a major impact on individuals.</p> <p>The scope of a risk assessment shall include:</p> <p>(1) whether the purpose and method of processing personal information are lawful, justifiable and necessary;</p> <p>(2) the impact on individuals and the level of risk; and</p> <p>(3) whether the security protection measures taken are lawful, effective and appropriate to the level of risk.</p> <p>Risk assessment reports and processing records shall be kept for at least three years.</p>
<p>第五十六条 个人信息处理者发现个人信息泄露的，应当立即采取补救措施，并通知履行个人信息保护职责的部门和个人。</p> <p>通知应当包括下列事项：</p> <p>（一） 个人信息泄露的原因；</p> <p>（二） 泄露的个人信息种类和可能造成的危害；</p> <p>（三） 已采取的补救措施；</p> <p>（四） 个人可以采取的减轻危害的措施；</p> <p>（五） 个人信息处理者的联系方式。</p> <p>个人信息处理者采取措施能够有效避免信息泄露造成损害的，个人信息处理者可以不通知个人；但是，履行个人信息保护职责的部门认为个人信息泄露可能对个人造成损害的，有权要求个人信息处理者通知个人。</p>	<p>Article 56 Where a personal information processor discovers a personal information breach, it shall immediately take remedial measures and notify the department performing personal information protection duties and the individuals.</p> <p>The notice shall include the following matters:</p> <p>(1) cause of personal information breach;</p> <p>(2) types of the personal information breached and the possible harm;</p> <p>(3) remedial measures taken;</p> <p>(4) measures that the individuals can take to mitigate harm; and</p> <p>(5) contact information of the personal information processor.</p> <p>Where the measures taken by the personal information processor can effectively avoid damage by the information breach, the personal information processor may give no notice to the individuals;</p>

	however, if the department performing personal information protection duties believes that the personal information breach may cause damage to the individual concerned, it has the right to require the personal information processor to notify the individuals.
<p>第五十七条 提供基础性互联网平台服务、用户数量巨大、业务类型复杂的个人信息处理者，应当履行下列义务：</p> <p>（一）成立主要由外部成员组成的独立机构，对个人信息处理活动进行监督；</p> <p>（二）对严重违法法律、行政法规处理个人信息的平台内的产品或者服务提供者，停止提供服务；</p> <p>（三）定期发布个人信息保护社会责任报告，接受社会监督。</p>	<p>Article 57 A personal information processor that provides fundamental Internet platform services, has a huge number of users, or engages in complex types of business shall:</p> <p>(1) establish an independent organ principally comprising external members to supervise personal information processing activities;</p> <p>(2) stop providing services to those product or service providers in its platform that have committed serious legal or regulatory violations in their processing of personal information; and</p> <p>(3) regularly issue social responsibility reports on personal information protection, and accept public supervision.</p>
<p>第五十八条 接受委托处理个人信息的受托方，应当履行本章规定的相关义务，采取必要措施保障所处理的个人信息的安全。</p>	<p>Article 58 A party entrusted to process personal information shall perform the relevant obligations specified in this Chapter, and take necessary measures to safeguard the security of the personal information processed.</p>
<p>第六章 履行个人信息保护职责的部门</p>	<p>Chapter VI Departments Performing Personal Information Protection Duties</p>
<p>第五十九条 国家网信部门负责统筹协调个人信息保护工作和相关监督管理工作。国务院有关部门依照本法和有关法律、行政法规的规定，在各自职责范围内负责个人信息保护和监督管理工作。</p> <p>县级以上地方人民政府有关部门的个人信息保护和监督管理职责，按照国家有关规定确定。</p> <p>前两款规定的部门统称为履行个人信息保护职责的部门。</p>	<p>Article 59 The cyberspace administration department of the State is responsible for the overall planning and coordination of personal information protection and the relevant supervision and administration efforts. The relevant departments of the State Council shall, pursuant to this law and other relevant laws and administrative regulations, take charge of personal information protection and supervision and administration efforts.</p> <p>The duties that the relevant departments of local people's governments at county level or above have for personal information protection and for supervision and administration shall be determined in accordance with the relevant regulations of the State.</p> <p>The departments specified in the preceding two paragraphs are collectively referred to as the department performing personal information protection duties.</p>
<p>第六十条 履行个人信息保护职责的部门履行下列个人信息保护职责：</p> <p>（一）开展个人信息保护宣传教育，指导、监督个人信息处理者开展个人信息保护工作；</p> <p>（二）接受、处理与个人信息保护有关的投诉、举报；</p> <p>（三）调查、处理违法个人信息处理活动；</p> <p>（四）法律、行政法规规定的其他职责。</p>	<p>Article 60 The department performing personal information protection duties shall perform such duties by:</p> <p>(1) conducting personal information protection publicity and education, and guiding and supervising personal information processors' personal information protection efforts;</p> <p>(2) accepting and dealing with complaints and reports related to personal information protection;</p> <p>(3) investigating and dealing with illegal personal information processing activities; and</p> <p>(4) performing other duties stipulated by laws and administrative regulations.</p>
<p>第六十一条 国家网信部门统筹协调有关部门依据本法推进下列个人信息保护工作：</p> <p>（一）制定个人信息保护具体规则、标准；</p> <p>（二）针对敏感个人信息以及人脸识别、人工智能等新技术、新应用，制定专门的个人信息保护规则、标准；</p> <p>（三）支持研究开发安全、方便的电子身份认证技术；</p>	<p>Article 61 The cyberspace administration department of the State shall coordinate the relevant departments to advance the following personal information protection work in accordance with this law:</p> <p>(1) formulating particular rules and standards for personal information protection;</p> <p>(2) formulating specific rules and standards for personal information with respect to sensitive personal information as well as facial recognition, artificial intelligence and other new technologies and new applications;</p>

<p>（四）推进个人信息保护社会化服务体系建设，支持有关机构开展个人信息保护评估、认证服务。</p>	<p>(3) supporting the research and development of secure and convenient electronic identity certification technologies; and</p> <p>(4) advancing the establishment of a social service system for personal information protection, and supporting the relevant organizations' offering of personal information protection assessment and certification services.</p>
<p>第六十二条 履行个人信息保护职责的部门履行个人信息保护职责，可以采取下列措施：</p> <p>（一）询问有关当事人，调查与个人信息处理活动有关的情况；</p> <p>（二）查阅、复制当事人与个人信息处理活动有关的合同、记录、账簿以及其他有关资料；</p> <p>（三）实施现场检查，对涉嫌违法个人信息处理活动进行调查；</p> <p>（四）检查与个人信息处理活动有关的设备、物品；对有证据证明是违法个人信息处理活动的设备、物品，向本部门主要负责人书面报告并经批准，可以查封或者扣押。</p> <p>履行个人信息保护职责的部门依法履行职责，当事人应当予以协助、配合，不得拒绝、阻挠。</p>	<p>Article 62 A department performing personal information protection duties may take the following measures when performing such duties:</p> <p>(1) inquiring the relevant parties and investigating circumstances related to personal information processing activities;</p> <p>(2) accessing and copying the parties' contracts, records, account books and other information related to personal information processing activities;</p> <p>(3) conducting on-site inspections and investigating suspected illegal personal information processing activities;</p> <p>(4) inspecting equipment and articles related to personal information processing activities; sealing up or seizing equipment and articles related to personal information processing activities that have been proved illegal by evidence available, subject to a written report to and approval by the principal person in charge of the department.</p> <p>The department performing personal information protection duties shall perform its duties in accordance with the law, and the parties concerned shall provide assistance and cooperation therefor, and may not refuse or obstruct the department's performance of duties.</p>
<p>第六十三条 履行个人信息保护职责的部门在履行职责中，发现个人信息处理活动存在较大风险或者发生个人信息安全事件的，可以按照规定的权限和程序对该个人信息处理者的法定代表人或者主要负责人进行约谈，或者要求个人信息处理者委托专业机构对其个人信息处理活动进行合规审计。个人信息处理者应当按照要求采取措施，进行整改，消除隐患。</p>	<p>Article 63 Where the department performing personal information protection, in performing its duties, discovers high risks in a personal information processing activity or the occurrence of a personal information security incident, it may interview the personal information processor's legal representative or chief principal pursuant to the prescribed authority and procedures, or require the personal information processor to engage a professional firm to audit the compliance of its personal information processing activities. The personal information processor shall take necessary measures for rectifications and elimination of hidden hazards as required.</p>
<p>第六十四条 任何组织、个人有权对违法个人信息处理活动向履行个人信息保护职责的部门进行投诉、举报。收到投诉、举报的部门应当依法及时处理，并将处理结果告知投诉、举报人。</p> <p>履行个人信息保护职责的部门应当公布接受投诉、举报的联系方式。</p>	<p>Article 64 Any organization or individual may file a complaint or blow the whistle on illegal personal information processing activities to the department performing personal information protection duties. The department that receives such complaint or whistle-blowing shall deal with it in a timely manner in accordance with the law, and notify the complainant or whistleblower of the results.</p> <p>The department performing personal information protection duties shall publicly announce the contact information for accepting complaints and whistle-blowing.</p>
<p>第七章 法律责任</p>	<p>Chapter VII Legal Liability</p>
<p>第六十五条 违反本法规定处理个人信息，或者处理个人信息未按照规定采取必要的安全保护措施的，由履行个人信息保护职责的部门责令改正，给予警告，没收违法所得；拒不改正的，并处一百万元以下罚款；对直接负责的主管人员和其他直接责任人员处一万元以上十万元以下罚款。</p> <p>有前款规定的违法行为，情节严重的，由履行个人信息保护职责的部门责令改正，没收违法所得，并处五千万元以下或者上一年度营业额百分之五以下罚款，并可以责令暂停相关业务、停业整顿、通报有关主管部门吊销相关业务许可或者吊销营业执照；对直接负责的主管人员和其他直接责任人员处十万元以上一百万元以下罚款。</p>	<p>Article 65 Where personal information is processed in violation of the provisions of this law, or without taking necessary security protection measures as required, the department performing personal information protection duties shall order the processor to make rectifications, give it a warning, and confiscate its illegal gains; a fine of less than one million yuan shall be concurrently imposed on the processor if it refuses to make rectifications; and a fine ranging from 10,000 yuan to 100,000 yuan shall be imposed on the supervisor directly in charge and other directly liable persons.</p> <p>Where there is a violation of law as prescribed in the preceding paragraph and the circumstances are severe, the department performing personal information protection duties shall order the</p>

	processor to make rectifications, confiscate its illegal gains, and concurrently impose a fine of not more than 50 million yuan or not more than 5% of its turnover for the previous year, and may order the processor to suspend the related business, stop doing business for rectifications, or notify the relevant competent authority to revoke the relevant business permit or business license; and a fine ranging from 100,000 yuan to 1 million yuan shall be imposed on the supervisor directly in charge and other directly liable persons.
第六十六条 有本法规定的违法行为的，依照有关法律、行政法规的规定记入信用档案，并予以公示。	Article 66 Any violation of this law shall be recorded in credit files pursuant to the applicable laws and administrative regulations, and be disclosed to the public.
第六十七条 国家机关不履行本法规定的个人信息保护义务的，由其上级机关或者履行个人信息保护职责的部门责令改正；对直接负责的主管人员和其他直接责任人员依法给予处分。	Article 67 Where a State organ fails to perform its personal information protection duties as prescribed by this law, its superior organ or the department performing personal information protection duties shall order it to make rectifications; and the supervisor directly in charge and other directly liable persons shall be punished pursuant to the law.
第六十八条 个人信息权益因个人信息处理活动受到侵害，个人信息处理者不能证明自己没有过错的，应当承担损害赔偿等侵权责任。 前款规定的损害赔偿按照个人因此受到的损失或者个人信息处理者因此获得的利益确定；个人因此受到的损失和个人信息处理者因此获得的利益难以确定的，根据实际情况确定赔偿数额。	Article 68 Where any personal information right or interest is infringed due to a personal information processing activity, and the personal information processor is unable to prove it is not at fault, the personal information processor shall be liable for compensation and bear other liability for the infringement. The liability for compensation specified in the paragraph above shall be determined on the basis of the actual losses suffered thereby by the individuals concerned or the gains thereby received by the personal information processor; where it is difficult to determine the actual losses suffered by the individuals concerned and the gains derived by the personal information processor, the amount of compensation shall be determined on the basis of the actual circumstances.
第六十九条 个人信息处理者违反本法规定处理个人信息，侵害众多个人的权益的，人民检察院、履行个人信息保护职责的部门和国家网信部门确定的组织可以依法向人民法院提起诉讼。	Article 69 Where a personal information processor processes personal information in violation of the provisions of this law and infringe on the rights or interests of many individuals, the People's Procuratorate, the department performing personal information protection duties, and the organization determined by the cyberspace administration department of the State may file a lawsuit with the people's court in accordance with the law.
第七十条 违反本法规定，构成违反治安管理行为的，依法给予治安管理处罚；构成犯罪的，依法追究刑事责任。	Article 70 Any violator of this law shall be subject to an administrative penalty for public security if the violation constitutes a violation of public security regulations, or be held accountable for criminal liability if the violation constitutes a crime in accordance with the law.
第八章附则	Chapter 8 Supplementary Provisions
第七十一条 自然人因个人或者家庭事务处理个人信息的，不适用本法。 法律对各级人民政府及其有关部门组织实施的统计、档案管理活动中的个人信息处理有规定的，适用其规定。	Article 71 This law does not apply to the processing of personal information by a natural person for his or her personal or family affairs. Where laws have provisions on the processing of personal information in respect of statistics and archive administration organized and implemented by the people's governments at all levels and their relevant departments, such provisions shall apply.
第七十二条 本法下列用语的含义： （一）个人信息处理者，是指自主决定处理目的、处理方式等个人信息处理事项的组织、个人。 （二）自动化决策，是指利用个人信息对个人的行为习惯、兴趣爱好或者经济、健康、信用状况等，通过计算机程序自动分析、评估并进行决策的活动。	Article 72 The following terms used in this law are defined as follows: (1) A personal information processor means an organization or individual that independently determines matters concerning the processing of personal information such as the purpose and method of processing. (2) Automated decision-making means the activity whereby personal information is used to automatically analyze, assess, and make decisions on an individual’s behavior and habits, interests and

<p>（三）去标识化，是指个人信息经过处理，使其在不借助额外信息的情况下无法识别特定自然人的过程。</p> <p>（四）匿名化，是指个人信息经过处理无法识别特定自然人且不能复原的过程。</p>	<p>hobbies, economic, health, credit and the like through computer programs.</p> <p>(3) De-identification means the process whereby personal information is processed so that no specific natural person can be identified without using additional information.</p> <p>(4) Anonymization means the process whereby personal information is processed so that no specific natural person can be identified and such information cannot be restored.</p>
<p>第七十三条 本法自年月日起施行。</p>	<p>Article 73 This law shall become effective as of MM/DD/YY.</p>