

# **Personal Information Protection Law of the People's Republic of China**

Updated: 2021-12-29

## **Personal Information Protection Law of the People's Republic of China**

*(Adopted at the 30th Meeting of the Standing Committee of the Thirteenth  
National People's Congress on August 20, 2021)*

### **Contents**

#### **Chapter I General Provisions**

#### **Chapter II Personal Information Processing Rules**

##### **Section 1 General Rules**

##### **Section 2 Rules on Processing Sensitive Personal Information**

##### **Section 3 Special Provisions on the Processing of Personal Information by State Organs**

## **Chapter III Rules on Provision of Personal Information Across Border**

## **Chapter IV Individuals' Rights in Personal Information Processing Activities**

## **Chapter V Obligations of Personal Information Processors**

## **Chapter VI Departments with Personal Information Protection Duties**

## **Chapter VII Legal Liability**

## **Chapter VIII Supplementary Provisions**

### **Chapter I**

#### **General Provisions**

**Article 1** This Law is enacted in accordance with the Constitution for the purposes of protecting the rights and interests on personal information, regulating personal information processing activities, and promoting reasonable use of personal information.

**Article 2** The personal information of natural persons shall be protected by law. No organization or individual may infringe upon natural persons' rights and interests on their personal information.

**Article 3** This Law shall apply to the processing of personal information of natural persons within the territory of the People's Republic of China.

This Law shall also apply to the processing outside the territory of the People's Republic of China of the personal information of natural persons within the territory of the People's Republic of China, under any of the following circumstances:

(1) for the purpose of providing products or services for natural persons inside the People's Republic of China;

(2) analyzing or evaluating the behaviors of natural persons within the territory of the People's Republic of China; and

(3) any other circumstance as provided by any law or administrative regulation.

**Article 4** "Personal information" refers to various information related to an identified or identifiable natural person recorded electronically or by other means, but does not include anonymized information.

Personal information processing includes personal information collection, storage, use, processing, transmission, provision, disclosure and deletion, among others.

**Article 5** Personal information shall be processed according to law when it is necessary, with justified reason, and in good faith, and the processing may not involve misguidance, fraud, coercion, and the like.

**Article 6** Personal information processing shall be based on explicit and reasonable purposes and directly related to those purposes, and shall exert the minimum impacts on the rights and interests of individuals.

The collection of personal information shall be limited to the minimum scope required by the purpose of processing, and personal information may not be collected excessively.

**Article 7** The principles of openness and transparency shall be observed in the processing of personal information, the rules for processing personal information shall be disclosed, and the purposes, means, and scope of processing shall be explicitly indicated.

**Article 8** The quality of personal information shall be guaranteed in personal information processing, to avoid adverse impacts on the rights and interests of individuals caused by inaccurate and incomplete personal information.

**Article 9** Personal information processors shall be responsible for their personal information processing activities and take necessary measures to ensure the security of the personal information they process.

**Article 10** No organization or individual shall illegally collect, use, process, or transmit the personal information of other persons, or illegally trade, provide or disclose the personal information of other persons, or engage in personal information processing activities that endanger national security or harm public interests.

**Article 11** The state shall establish and improve the personal information protection system to prevent and punish infringements upon the rights and interests on personal information, strengthen publicity and education on personal information protection, and promote a favorable environment

for the government, enterprises, relevant industry organizations, and the public to jointly participate in personal information protection.

**Article 12** The state will actively engage in the development of international rules on personal information protection, promote the international exchanges and cooperation in personal information protection, and encourage the mutual recognition of personal information protection rules and standards, among others, with other countries, regions, and international organizations.

## **Chapter II**

### **Personal Information Processing Rules**

#### **Section 1**

##### **General Rules**

**Article 13** A personal information processor can process personal information of an individual only if one of the following circumstances exists:

- (1) the individual's consent has been obtained;
- (2) the processing is necessary for the conclusion or performance of a contract in which the individual is a party, or necessary for human resources management in accordance with the labor rules and regulations

established in accordance with the law and the collective contracts signed in accordance with the law;

(3) the processing is necessary for the performance of statutory duties or obligations;

(4) the processing is necessary for the response to public health emergencies, or for the protection of life, health, and property safety of natural persons in emergencies;

(5) the personal information is reasonably processed for news reporting, media supervision, and other activities conducted in the public interest;

(6) the personal information disclosed by the individual himself or other legally disclosed personal information of the individual is reasonably processed in accordance with this Law; and

(7) other circumstances as provided by laws or administrative regulations.

Individual consent shall be obtained for processing personal information if any other relevant provisions of this Law so provide, except under the circumstances specified in Subparagraphs (2) to (7) of the preceding paragraph.

**Article 14** Where personal information processing is based on individual consent, the individual consent shall be voluntary, explicit, and fully informed. Where any other law or administrative regulation provides that an individual's separate consent or written consent must be obtained for processing personal information, such provisions shall apply.

In the case of any change of the purposes or means of personal information processing, or the category of processed personal information, a new consent shall be obtained from the individual.

**Article 15** Where personal information processing is based on individual consent, an individual shall have the right to withdraw his consent. Personal information processors shall provide convenient ways for individuals to withdraw their consents.

The withdrawal of consent shall not affect the validity of the processing activities conducted based on consent before it is withdrawn.

**Article 16** A personal information processor shall not refuse to provide products or services for an individual on the grounds that the individual withholds his consent for the processing of his personal information or has withdrawn his consent for the processing of personal information, except where the processing of personal information is necessary for the provision of products or services.

**Article 17** A personal information processor shall, before processing personal information, truthfully, accurately and fully inform an individual of the following matters in a easy-to-notice manner and in clear and easy-to-understand language:

(1) the name and contact information of the personal information processor;

(2) the purposes and means of personal information processing, and the categories and storage periods of the personal information to be processed;

(3) the methods and procedures for the individual to exercise his rights as provided in this Law; and

(4) other matters that the individual should be notified of as provided by laws and administrative regulations.

Where any matter as set forth in the preceding paragraph changes, the individual shall be informed of the change.

Where the personal information processor informs an individual of the matters specified in the first paragraph by formulating personal information processing rules, the processing rules shall be made public and be easy to consult and save.

**Article 18** When processing personal information, personal information processors are permitted not to inform individuals of the matters specified in the first paragraph of the preceding article where laws or administrative regulations require confidentiality or provide no requirement for such notification.

Where it is impossible to notify individuals in a timely manner in a bid to protect natural persons' life, health and property safety in case of emergency, the personal information processors shall notify them without delay after the emergency is removed.

**Article 19** Except as otherwise provided by laws and administrative regulations, the storage period of personal information shall be the minimum time necessary to achieve the purpose of processing.



**Article 20** Where two or more personal information processors jointly determine the purposes and means of processing certain personal information, they shall reach an agreement on their respective rights and obligations in processing the personal information. However, this agreement shall not affect an individual's request to any one of them to exercise his rights as provided in this Law.

Where, in jointly processing certain personal information, a processor infringes the rights and interests on personal information and causes damages, other personal information processors shall bear joint and several liability in accordance with law.

**Article 21** A personal information processor entrusting the processing of certain personal information to a party shall reach an agreement with the entrusted party on the purposes, period and means of processing, the categories of personal information to be processed and the protection measures, as well as the rights and obligations of both parties, among others, and shall supervise the personal information processing activities of the entrusted party.

The entrusted party shall process personal information in accordance with the agreement and may not process personal information beyond the purposes, means and other conditions as agreed upon. Where the entrustment contract has not taken effect, or is invalid, or is revoked or terminated, the entrusted party shall return the personal information in question to the personal information processor or delete it and shall not retain the personal information.

Without the consent of the personal information processor, the entrusted party may not sub-contract the processing of personal information to any other party.

**Article 22** Where a personal information processor needs to transfer personal information due to a merger, division, dissolution, or bankruptcy or for other reasons, the processor shall inform the individuals of the name and contact information of the recipient of the transferred personal information. The recipient shall continue to perform the obligations of the said personal information processor. Any change of the original purposes or means of processing by the recipient shall be subject to individual consent in accordance with this Law.

**Article 23** To provide personal information for any other processor, a personal information processor shall inform the individuals of the recipient's name and contact information, the purposes and means of processing and the categories of personal information to be processed, and shall obtain the individuals' separate consent. The recipient shall process personal information within the scope of the purposes, means, and categories of personal information mentioned above. Any change of the purposes or means of processing by the recipient shall be subject to individual consent in accordance with this Law.

**Article 24** Personal information processors using personal information for automated decision making shall ensure the transparency of the decision making and the fairness and impartiality of the results, and may not apply unreasonable differential treatment to individuals in terms of transaction prices and other transaction conditions.

Information push and commercial marketing to individuals based on automated decision making shall be simultaneously accompanied by options not specific to their personal characteristics or with convenient means for individuals to refuse.

Where a decision that may have a significant impact on an individual's rights and interests is made through automated decision making, the individual shall have the right to request clarification from the personal information processor and the right to refuse the processor for making the decision only through automated decision making.

**Article 25** Personal information processors shall not disclose the personal information they process, except where separate consents has been obtained from the individuals.

**Article 26** Image collection and personal identification equipment in public places shall be installed only when it is necessary for the purpose of maintaining public security, and shall be installed in compliance with the relevant provisions of the state and with prominent reminders. The personal images and identification information collected can only be used for the purpose of maintaining public security and, unless the individuals' separate consents are obtained, shall not be used for any other purpose.

**Article 27** A personal information processor may reasonably process the personal information disclosed by an individual himself or other legally disclosed personal information, except where the individual expressly refuses. Where the processing of disclosed personal information may have a significant impact on an individual's rights and interests, the personal information processors shall first obtain the individual's consent in accordance with the provisions of this Law.

## **Section 2**

### Rules on Processing Sensitive Personal Information

**Article 28** "Sensitive personal information" is personal information that once leaked or illegally used, may easily lead to the infringement of the personal dignity of a natural person or may endanger his personal safety or property, including information such as biometrics, religious belief, specific identity, medical health status, financial accounts, and the person's whereabouts, as well as the personal information of a minor under the age of 14 years.

Personal information processors can process sensitive personal information only when there is a specific purpose and when it is of necessity, under the circumstance where strict protective measures are taken.

**Article 29** For the processing of sensitive personal information, individual's separate consent shall be obtained. Where other laws or administrative regulations provide that written consent shall be obtained for the processing of sensitive personal information, such provisions shall prevail.

**Article 30** In addition to the matters specified in the first paragraph of Article 17 of this Law, a processor processing sensitive personal information shall notify an individual of the necessity of processing his sensitive personal information and the impact it has on his rights and interests, except where such notification is not required in accordance with the provisions of this Law.

**Article 31** To process the personal information of minors under the age of 14, personal information processors shall obtain the consent of the parents or other guardians of the minors.

Personal information processors processing the personal information of minors under the age of 14 shall develop special rules for processing such personal information.

**Article 32** Where other laws or administrative regulations provide that relevant administrative permit shall be obtained for the processing of sensitive personal information or impose other restrictions, such provisions shall prevail.

### **Section 3**

#### Special Provisions on the Processing of

## Personal Information by State Organs

**Article 33** This Law shall apply to the processing of personal information by state organs; where there are special provisions in this Section, the provisions of this Section shall prevail.

**Article 34** When state organs process personal information in order to perform their statutory duties, they shall act in accordance with the authority and procedures prescribed by laws and administrative regulations, and shall not exceed the scope and limits necessary to perform their statutory duties.

**Article 35** When state organs process personal information in order to perform their statutory duties, they shall fulfill the obligation of notification in accordance with the provisions of this Law, except under the circumstances specified in the first paragraph of Article 18 of this Law or where notification will hinder the state organs from performing their statutory duties.

**Article 36** Personal information processed by state organs shall be stored within the territory of the People's Republic of China. A security assessment shall be conducted where it is truly necessary to provide such information for any party outside of the territory of the People's Republic of China. In the security assessment the relevant departments shall provide support and assistance if so requested.

**Article 37** Where organizations authorized by laws or regulations with the function of administering public affairs process personal information in order to fulfill their statutory duties, the provisions herein on the processing of personal information by state organs shall apply.

## Chapter III

### Rules on Provision of Personal Information Across Border

**Article 38** A personal information processor that truly needs to provide personal information for a party outside the territory of the People's Republic of China for business sake or other reasons, shall meet one of the following requirements:

(1) passing the security assessment organized by the national cyberspace department in accordance with Article 40 of this Law;

(2) obtaining personal information protection certification from the relevant specialized institution according to the provisions issued by the national cyberspace department;

(3) concluding a contract stipulating both parties' rights and obligations with the overseas recipient in accordance with the standard contract formulated by the national cyberspace department; and

(4) meeting other conditions set forth by laws and administrative regulations and by the national cyberspace department.

Where an international treaty or agreement that the People's Republic of China has concluded or acceded to stipulates conditions for providing personal information for a party outside the territory of the People's Republic of China, such stipulations may be followed.

The personal information processor shall take necessary measures to ensure that the personal information processing activities of the overseas recipient meet the personal information protection standards set forth in this Law.

**Article 39** Where a personal information processor provides personal information for any party outside the territory of the People's Republic of China, the processor shall inform the individuals of the overseas recipient's name and contact information, the purposes and means of processing, the categories of personal information to be processed, as well as the methods and procedures for the individuals to exercise their rights as provided in this Law over the overseas recipient, etc., and shall obtain individual's separate consent.

**Article 40** Critical information infrastructure operators and the personal information processors that process personal information up to the amount prescribed by the national cyberspace department shall store domestically the personal information collected and generated within the territory of the People's Republic of China. Where it is truly necessary to provide the information for a party outside the territory of the People's Republic of China, the matter shall be subjected to security assessment organized by the national cyberspace department. Where laws, administrative regulations, or the provisions issued by the national

cyberspace department provide that security assessment is not necessary, such provisions shall prevail.

**Article 41** The competent authorities of the People's Republic of China shall handle foreign judicial or law enforcement authorities' requests for personal information stored within China in accordance with relevant laws and the international treaties and agreements concluded or acceded to by the People's Republic of China, or under the principle of equality and reciprocity. Without the approval of the competent authorities of the People's Republic of China, no organization or individual shall provide data stored in the territory of the People's Republic of China for any foreign judicial or law enforcement authority.

**Article 42** Where overseas organizations or individuals engage in personal information processing activities, which infringe upon the rights and interests of citizens of the People's Republic of China on personal information or endanger the national security or public interests of the People's Republic of China, the national cyberspace department may include them in a list of restricted or prohibited recipients of personal information, publicize the list, and take measures such as restricting or prohibiting the provision of personal information for such organizations and individuals.

**Article 43** Where any country or region adopts any prohibitive, restrictive or other similar discriminatory measures against the People's Republic of China in terms of personal information protection, the People's Republic of China may take countermeasures against the aforesaid country or region based on actual situations.

## **Chapter IV**

### **Individuals' Rights in Personal Information Processing Activities**

**Article 44** Individuals shall have the right to be informed, the right to make decisions on the processing of their personal information, and the right to restrict or refuse the processing of their personal information by others, except as otherwise provided by laws or administrative regulations.

**Article 45** Individuals shall have the right to consult and duplicate their personal information from personal information processors, except under circumstances as set out in the first paragraph of Article 18 and Article 35 of this Law.

Where an individual requests the consultation or duplication of his personal information, the requested personal information processor shall provide such information in a timely manner.

Where an individual requests the transfer of his personal information to a designated personal information processor, which meets the requirements of national cyberspace department for transferring personal information, the requested personal information processor shall provide means for the transfer.

**Article 46** Where an individual discovers that his personal information is incorrect or incomplete, he shall have the right to request the personal information processors to rectify or supplement relevant information.

Where an individual requests the rectification or supplementation of his personal information, the personal information processors shall verify the information in question, and make rectification or supplementation in a timely manner.

**Article 47** In any of the following circumstances, a personal information processor shall take the initiative to erase personal information, and an individual has the right to request the deletion of his personal information if the personal information processor fails to erase the information:

- (1) the purposes of processing have been achieved or cannot be achieved, or such information is no longer necessary for achieving the purposes of processing;
- (2) the personal information processor ceases to provide products or services, or the storage period has expired;
- (3) the individual withdraws his consent;
- (4) the personal information processor processes personal information in violation of laws, administrative regulations, or agreements; or
- (5) other circumstances as provided by laws and administrative regulations.

Where the storage period provided by any law or administrative regulation has not expired, or it is difficult to erase personal information technically,



the personal information processor shall cease the processing of personal information other than storing and taking necessary security protection measures for such information.

**Article 48** An individual has the right to request a personal information processor to interpret the personal information processing rules developed by the latter.

**Article 49** The close relatives of a deceased natural person may, for their own legal and legitimate interests, exercise the rights to handle the personal information of the deceased, such as consultation, duplication, rectification, and deletion, as provided in this Chapter, except as otherwise arranged by the deceased before death.

**Article 50** A personal information processor shall establish the mechanism for receiving and handling individuals' requests for exercising their rights. Where an individual's request is rejected, the reasons therefor shall be given.

Where an individual's request to exercise his rights is rejected by a personal information processor, the individual may file a lawsuit with the people's court in accordance with the law.

## **Chapter V**

### **Obligations of Personal Information Processors**

**Article 51** Personal information processors shall take the following measures to ensure that their personal information processing activities are in compliance with laws and administrative regulations based on the purpose and means of processing, the categories of personal information to be processed, the impact on personal rights and interests, and the potential security risks, among others, and shall prevent unauthorized access to, as well as breach, tampering or loss of any personal information:

- (1) formulating internal management system and operational procedures;
- (2) implementing classified management of personal information;
- (3) adopting corresponding security technical measures such as encryption and de-identification;

(4) reasonably determining the operational authority of personal information processing, and regularly conducting safety education and training for practitioners;

(5) formulating contingent plans for personal information security emergencies and organizing the implementation of such plans; and

(6) other measures as provided by laws and administrative regulations.

**Article 52** A personal information processor that processes personal information up to the amount prescribed by the national cyberspace department shall designate a person in charge of personal information protection, who shall supervise the personal information processing activities of the processor as well as the protective measures taken thereby, among others.

The personal information processor shall disclose the contact information of the person in charge of personal information protection, and submit the said person's name, contact information, and other information to the departments with personal information protection duties.

**Article 53** Personal information processors outside the territory of the People's Republic of China as specified in the second paragraph of Article 3 of this Law shall set up specialized agencies or designate representatives within the territory of the People's Republic of China to be responsible for handling personal information protection related matters, and shall submit the names, contact information, and other information of the agencies and representatives to the departments with personal information protection duties.

**Article 54** Personal information processors shall regularly conduct compliance audits of their personal information processing activities with laws and administrative regulations.

**Article 55** In any of the following circumstances, a personal information processor shall assess in advance the impact on personal information protection and keep a record of the course of the processing:

(1) processing sensitive personal information;

(2) using personal information to conduct automated decision making;

(3) entrusting personal information processing to another party, providing personal information for another party, or publicizing personal information;

(4) providing personal information for any party outside the territory of the People's Republic of China; or

(5) conducting other personal information processing activities which may have significant impacts on individuals.

**Article 56** The assessment of impact on personal information protection shall include the following contents:

(1) whether the purposes and means of personal information processing, are legitimate, justified and necessary;

(2) the impact on individuals' rights and interests, and security risks; and

(3) whether the protection measures taken are legitimate, effective, and compatible with the degree of risks.

The report of the impact assessment on personal information protection and the processing record shall be retained for at least three years.

**Article 57** Where the breach, tampering, or loss of personal information occurs or may occur, a personal information processor shall immediately take remedial measures and notify the departments with personal information protection duties and the relevant individuals. The notice shall include the following items:

(1) the categories of personal information that has been or may be breached, tampered with or lost, and the reasons and possible harm of the breach, tampering and loss;

(2) the remedial measures adopted by the personal information processor and the measures the individuals may take to mitigate the harm; and

(3) the contact information of the personal information processor.

Where the measures taken by the personal information processor can effectively avoid the harm caused by breach, tampering, or loss of personal information, the personal information processor is not required to notify individuals; where the departments with personal information protection duties consider that harm may be caused, they have the authority to request the personal information processor to notify individuals.

**Article 58** A personal information processor that provides important internet platform services involving a huge number of users and complicated business types shall perform the following obligations:

(1) establishing and improving the personal information protection compliance system in accordance with the provisions of the state and establishing an independent organization mainly composed of external members to supervise the protection of personal information;

(2) following the principles of openness, fairness, and justice, formulating platform rules, and clarifying the norms and obligations that product or service providers within the platform should meet when processing personal information;

(3) stopping providing services for product or service providers within the platforms that process personal information in serious violation of laws and administrative regulations; and

(4) regularly publishing social responsibility reports on personal information protection for public supervision.

**Article 59** The party entrusted with the processing of personal information shall, in accordance with this Law and relevant laws and administrative regulations, take the necessary measures to ensure the security of the personal information entrusted for processing, and assist the entrusting personal information processor in fulfilling the obligations provided by this Law.

## **Chapter VI**

### **Departments with Personal Information Protection Duties**

**Article 60** The national cyberspace department shall be responsible for the overall planning and coordination of personal information protection and

related supervision and administration. The relevant departments of the State Council shall, in accordance with this Law and other relevant laws and administrative regulations, be responsible for personal information protection and related supervision and administration within the scope of their respective duties.

The duties of personal information protection and related supervision and administration of the relevant departments of the local people's governments at or above the county level shall be determined in accordance with the relevant provisions of the state.

The departments provided in the preceding two paragraphs are collectively referred to as the departments with personal information protection duties.

**Article 61** Departments with personal information protection duties shall perform the following personal information protection duties:

(1) conducting publicity and education on personal information protection, and guiding and supervising personal information processors in their protection of personal information;

(2) receiving and handling complaints and reports related to personal information protection;

(3) organizing evaluations on applications, etc. in terms of personal information protection and publish the results of such evaluations;

(4) investigating and handling illegal personal information processing activities; and

(5) other duties as provided by laws and administrative regulations.

**Article 62** The national cyberspace department shall coordinate relevant departments to promote personal information protection through the following efforts in accordance with this Law:

(1) formulating specific rules and standards for personal information protection;

(2) developing special personal information protection rules and standards for small personal information processors, the processing of sensitive

personal information, and new technologies and applications such as face recognition and artificial intelligence;

(3) supporting the research and development, and promoting the application of secure and convenient electronic identity authentication technology, and advancing the public services for network identity authentication;

(4) promoting the development of a personal information protection service system with the participation of various social sectors, and supporting relevant institutions in providing personal information protection assessment and certification services; and

(5) improving the complaint and reporting mechanism related to personal information protection .

**Article 63** A department with personal information protection duties when fulfilling related duties may take the following measures:

(1) questioning relevant parties, and investigating circumstances related to personal information processing activities;

(2) consulting and duplicating the parties' contracts, records, account books and other relevant materials related to personal information processing activities;

(3) conducting on-site inspections, and investigating suspected illegal personal information processing activities; and

(4) inspecting equipment and articles related to personal information processing activities; and sealing up or seizing equipment and articles related to illegal personal information processing activities as proved by evidence after submitting written reports to and obtaining approval from the principal person in charge of the departments with personal information protection duties.

When departments with personal information protection duties carry out their duties in accordance with the law, the parties concerned shall cooperate and provide assistance, and shall not reject or obstruct them.

**Article 64** Where a department with personal information protection duties finds, when performing its duties, relatively high risks in personal information processing activities or the occurrence of personal information security incidents, the department may hold an interview with the legal representative or the principal person in charge of the personal information processor according to the provided authority and procedures, or request the processor to entrust a professional institution to conduct compliance audits of the personal information processing activities. The personal information processor shall adopt measures to make rectification and eliminate potential risks as required.

Where a department with personal information protection duties, in performing its duties, finds an illegal personal information processing activity that may involve a crime, the department shall transfer the case to the public security organ in a timely manner in accordance with the law.

**Article 65** Any organization or individual has the right to complain and report to a department with personal information protection duties about illegal personal information processing. The department that receives such a complaint or report shall handle it in a timely manner in accordance with the law, and notify the complainant or informant of the results.

Departments with personal information protection duties shall publish their contact information for receiving complaints and reports.

## **Chapter VII**

### **Legal Liability**

**Article 66** Where personal information is processed in violation of the provisions of this Law or without fulfilling the personal information protection obligations provided in this Law, the departments with personal information protection duties shall order the violator to make corrections, give a warning, confiscate the illegal gains, and order the suspension or termination of provision of services by the applications that illegally process personal information; where the violator refuses to make corrections, a fine of not more than RMB one million yuan shall be imposed thereupon; and the directly liable persons in charge and other directly liable persons shall each be fined not less than RMB 10,000 yuan nor more than RMB 100,000 yuan.

In case of an illegal act as prescribed in the preceding paragraph and the circumstances are serious, the departments with personal information protection duties at or above the provincial level shall order the violator to make corrections, confiscate the illegal gains, impose a fine of not more than RMB 50 million yuan or not more than five percent of the previous year's turnover; may also order the suspension of relevant businesses, or order the suspension of all the business operations for an overhaul, and notify the competent authorities to revoke relevant business permits or license; shall impose a fine of not less than RMB 100,000 yuan but not more than RMB 1 million yuan upon each of the directly liable persons in charge and other directly liable persons, and may decide to prohibit the abovementioned persons from serving as directors, supervisors, senior managers, or the persons in charge of relevant companies within a specific period of time.

**Article 67** Any violation of the provisions of this Law shall be entered in the relevant credit record and be published in accordance with the provisions of the relevant laws and administrative regulations.

**Article 68** Where any state organ fails to fulfill the personal information protection obligations as provided in this Law, the organ at the higher level or the departments with personal information protection duties shall order it to make corrections, and discipline the directly liable person in charge and other directly liable persons in accordance with the law.

Where a staff member of a department with personal information protection duties neglects duties, abuses power, or practices favoritism, which does not constitute a crime, the staff member shall be subject to sanction in accordance with the law.

**Article 69** Where a personal information processor infringes the rights or interests on personal information due to any personal information processing activity and cannot prove that the processor is not at fault, the processor shall assume the liability for damages and other tort liability.

The liability for damages prescribed in the preceding paragraph shall be determined based on the losses of individuals incurred thereby and the benefits acquired by the infringing personal information processor; and where it is difficult to determine the aforementioned losses or the benefits, the amount of damages shall be determined based on the actual circumstances.



**Article 70** Where a personal information processor processes personal information in violation of the provisions of this Law and infringes the rights and interests of many individuals, the people's procuratorate, the consumer organizations specified by law, and the organization designated by the national cyberspace department may file a lawsuit with the people's court in accordance with the law.

**Article 71** Any violation of this Law which constitutes a violation of public security administration shall be subject to public security administration penalty in accordance with the law. If the violation constitutes a crime, the violator shall be held criminally liable in accordance with the law.

## **Chapter VIII**

### **Supplementary Provisions**

**Article 72** This Law is not applicable where a natural person processes personal information for personal or household affairs.

Where other laws provide personal information processing in statistical or archives management activities organized and conducted by the people's governments at all levels and their relevant departments, the provisions of such laws shall prevail.

**Article 73** For purposes of this Law, the following terms shall have the following meanings:

(1) "A personal information processor" refers to an organization or individual that autonomously determines the purposes and means of personal information processing.

(2) "automated decision making" refers to the activities of automatically analyzing and evaluating personal behaviors, hobbies, or economic, health, and credit status, among others, through computer programs, and making decisions.

(3) "de-identification" refers to processing personal information to make it impossible to identify specific natural persons in the absence of the support of additional information.

(4) "anonymization" refers to the process of processing personal information to make it impossible to identify specific natural persons and impossible to restore.

**Article 74** This Law shall come into force as of November 1st , 2021.