

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

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The Personal Information Protection Law of the People's Republic of China, adopted at the 30th Session of the Standing Committee of the 13th National's People's Congress of the People's Republic of China on August 20, 2021, is hereby issued, effective from November 1, 2021.

Xi Jinping, President of the People's Republic of China

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(Adopted at the 30th Session of the Standing Committee of the 13th National's People's Congress of the People's Republic of China on August 20, 2021)

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Chapter I General Provisions

Article 1 This Law is enacted in accordance with the Constitution to protect personal information rights and interests, regulate activities of processing of personal information, and promote a reasonable use of personal

information.

Article 2 The personal information of any natural person shall be protected by law, and no organization or individual may infringe upon the personal information rights and interests of any natural person.

Article 3 This Law shall apply to any activity of processing of personal information of a natural person that is carried out within the territory of the People's Republic of China.

This Law shall also apply to any activity of processing of personal information of any natural person located within the territory of the People's Republic of China that is carried out outside the territory of the People's Republic of China under any of the following circumstances:

1. Where the purpose of the activity is to provide a product or service to that natural person located within China;
2. Where the purpose of the activity is to analyze or assess the behavior of that natural person located within China; or
3. Any other circumstance as provided by law or administrative regulations.

Article 4 Personal information refers to any kind of information related to an identified or identifiable natural person as electronically or otherwise recorded, excluding information that has been anonymized.

Processing of personal information includes the collection, storage, use, processing, transmission, provision, disclosure, and deletion of personal information.

Article 5 Personal information shall be processed in accordance with the principles of lawfulness, legitimacy, necessity and good faith, and not in any manner that is misleading, fraudulent or coercive.

Article 6 Processing of personal information shall be for a specified and reasonable purpose, and shall be conducted for a purpose directly relevant to the purpose of processing and in a way that has the least impact on personal rights and interests.

Collection of personal information shall be limited to the minimum scope necessary for achieving the purpose of processing and shall not be excessive.

Article 7 Personal information shall be processed in accordance with the principles of openness and transparency, with the rules of processing of personal information disclosed, and the purpose, method and scope of processing expressly stated.

Article 8 The quality of personal information shall be ensured when the personal information is processed in order to avoid any negative impact on personal rights and interests due to any inaccuracy or incompleteness of the personal information processed.

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

Article 10 No organization or individual may illegally collect, use, process, or transmit any personal information of another person, or illegally deal in, provide, or disclose any personal information of another person; or engage in any activity of processing of personal information that endangers national security or public interests.

Article 11 The State will establish a sound personal information protection regime to prevent and punish any act of infringement of personal information rights and interests, strengthen publicity and education on personal information protection, and promote the creation of a sound environment for the government, enterprises, relevant trade organizations, and the public to jointly participate in personal information protection.

Article 12 The State will actively participate in the development of international rules for personal information protection, promote international exchange and cooperation in personal information protection, and promote the mutual recognition of the rules and standards of personal information protection with other countries, regions, and international organizations.

Chapter II Rules of Processing of Personal Information

Section 1 General Rules

Article 13 A personal information processor may process personal information of an individual only under any of the following circumstances:

1. Where consent is obtained from the individual;
2. Where it is necessary for the conclusion or performance of a contract to which the individual is a contracting party, or where it is necessary for carrying out human resources management under an employment policy legally established or a collective contract legally concluded;
3. Where it is necessary for performing a statutory responsibility or statutory obligation;
4. Where it is necessary for responding to a public health emergency, or for protecting the life, health or property safety of the natural person in the case of an emergency;
5. Where the personal information is processed within a reasonable scope to carry out any news reporting, supervision by public opinions or any other activity for public interest purposes;
6. Where the personal information, which has already been disclosed by the individual or otherwise legally disclosed, is processed within a reasonable scope and in accordance with this Law; or
7. Any other circumstance as provided by law or administrative regulations.

Personal consent shall be obtained for the processing of personal information as required by the other provisions of this Law, but where any of the preceding Items 2 to 7 is applicable, personal consent is not required.

Article 14 Where personal information is to be processed based on consent of an individual, such consent shall be a voluntary and explicit indication of intent given by such individual on a fully informed basis. Where specific consent or written consent shall be obtained from individuals for the processing of their personal information as provided by any law or administrative regulations, such provision shall prevail.

In the event of any change of the purpose or method of processing or the type of personal information to be processed, personal consent shall be obtained anew.

Article 15 Individuals shall have the right to withdraw their consent to the processing of their personal information carried out based on their consent. Personal information processors shall provide an easy way to withdraw consent.

A withdrawal of consent by individuals shall not affect the validity of any activity of processing of their personal information already carried out before the withdrawal based on their consent.

Article 16 Personal information processors shall not refuse to provide a product or service to individuals on the grounds that they do not consent to the processing of their personal information or they withdraw their consent, unless the processing of personal information is necessary for providing the product or service.

Article 17 Prior to the processing of personal information of an individual, a personal information processor shall inform the individual of the following matters in a conspicuous way, in clear and easy-to-understand language, and in a truthful, accurate and complete manner:

1. The organizational or personal name and contact information of the personal information processor;
2. The purpose and method of processing personal information, the type of personal information to be processed and its retention period;

3. The way and procedure for the individual to exercise his/her rights provided for by this Law; and
4. Any other matter to be informed as required by law or administrative regulations.

Any change to any matter stated in the preceding paragraph shall be informed to the individual.

Where any matter stated in the first paragraph is informed by personal information processors through their established rules of processing of personal information, such rules shall be made available to the public and easy to access and store.

Article 18 A personal information processor who is to process personal information of an individual may be allowed not to inform the individual of any matter stated in the first paragraph of the preceding Article if such matter shall be kept confidential or is not required to be disclosed according to law or administrative regulations.

If, for the protection of life, health or property safety of a natural person in the case of an emergency, the individual cannot be informed in a timely manner, the individual shall be informed in a timely manner by the personal information processor after the emergency is cleared.

Article 19 The retention period of personal information shall be the minimum period necessary for achieving the purpose of processing, unless any law or administrative regulations stipulate otherwise.

Article 20 Two or more personal information processors who jointly decide on the purpose and method of the processing of personal information shall agree on their respective rights and obligations in the joint processing, but such agreement shall not affect the right of individuals to exercise their rights provided for by this Law against any of the personal information processors.

Personal information processors who jointly process personal information shall be liable jointly and severally under the law for any damages caused due to an infringement of personal rights and interests in their joint processing of personal information.

Article 21 A personal information processor contracting the processing of personal information to another party shall agree with the contracted party on the purpose, period, and method of the contracted processing, the type of personal information to be processed, any protection measure to be taken, and the rights and obligations of both parties, etc., and supervise the activities of processing of personal information carried out by the contracted party.

The contracted party shall process personal information as agreed, and shall not process personal information beyond the agreed purpose and method of the contracted processing; if the contract of the contracted processing fails to become effective, becomes null and void, or is cancelled or terminated, the contracted party shall return the personal information to the contracting personal information processor or delete it, and shall not retain such information.

Without the approval of the contracting personal information processor, the contracted party shall not subcontract the contracted processing of personal information to any other person.

Article 22 A personal information processor who needs to transfer personal information of any individual due to a merger, division, dissolution, declared bankruptcy or any other reason shall inform the individual of the organizational or personal name and contact information of the receiving party. The receiving party shall continue to perform obligations as a personal information processor. For any change of the original purpose or method of processing, the receiving party shall obtain consent from the individual anew in accordance with this Law

Article 23 A personal information processor who is to provide any personal information of an individual processed to another person shall inform the individual of the organizational or personal name and contact information of the receiving party, the purpose and method of the processing, and the type of personal information involved, and obtain specific consent from the individual. The receiving party shall process the personal information received within the scope of such purpose and method of processing as well as type of

personal information. For any change of the original purpose or method of processing, the receiving part shall obtain consent from the individual anew in accordance with this Law.

Article 24 Where personal information is used by personal information processors in automated decision-making, transparency of the decision-making and fairness and impartiality of the results shall be ensured, and no unreasonable differential treatment of individuals in terms of transaction prices or other transaction terms may be implemented.

If business marketing or push-based information delivery is conducted toward an individual by means of automated decision-making, an option not targeting at personal characteristics of the individual or an easy way to refuse to receive shall be provided to the individual.

If a decision made by a personal information processor through automated decision-making has a material impact on an individual's rights and interests, the individual shall have the right to demand the personal information processor to provide an explanation, as well as the right to refuse the making of decisions by the personal information processor solely by means of automated decision-making.

Article 25 Personal information processors shall not disclose any personal information of an individual processed by them, except with specific consent obtained from the individual.

Article 26 The installment of any image capturing or personal identification equipment in a public place shall be necessary for maintaining public security, comply with the relevant regulations of the State, and be accompanied with a prominent sign indicating the equipment. Any personal image or personal identification information of an individual collected can only be used for the purpose of maintaining public security, and shall not be used for any other purpose, except with specific consent obtained from the individual.

Article 27 Personal information processors may process personal information of an individual already disclosed by the individual or otherwise legally disclosed, unless such processing is expressly refused by the individual. For the processing of any disclosed personal information of an individual that will have a material impact on the individual, personal information processors shall obtain consent from the individual in accordance with this Law.

Section 2 Rules of Processing of Sensitive Personal Information

Article 28 Sensitive personal information refers to personal information that, once leaked or illegally used, will easily lead to infringement of the human dignity or harm to the personal or property safety of a natural person, including biometric recognition, religious belief, specific identity, medical and health, financial account, personal location tracking and other information of a natural person, as well as any personal information of a minor under the age of 14.

Personal information processors may process sensitive personal information only when there is a specified purpose and sufficient necessity and there are strict measures adopted for its protection.

Article 29 For the processing of sensitive personal information of any individual, specific consent shall be obtained from the individual; where written consent shall be obtained for the processing of sensitive personal information as provided by law or administrative regulations, such provision shall prevail.

Article 30 To process sensitive personal information of any individual, a personal information processor shall, in addition to the matters specified in the first paragraph of Article 17 of this Law, inform the individual of the necessity of processing such sensitive personal information and the impact on the individual's rights and interests, except where not informing the individual of such information is allowed as provided by this Law.

Article 31 For the processing of personal information of a minor under the age of 14, personal information processors shall obtain the consent of a parent or guardian of the minor.

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

Article 32 Where the processing of sensitive personal information is subject to relevant administrative licensing or any more stringent restriction as provided by law or administrative regulations, such provision shall prevail.

Section 3 Special Provisions on Processing of Personal Information by State Agencies

Article 33 This Law shall apply to any activity of processing of personal information carried out by a State agency; if there is any special provision in this Section, such special provision shall prevail.

Article 34 The processing of personal information by any State agency for the purpose of performing its statutory duty shall be carried out in accordance with the authority and procedure prescribed by law or administrative regulations, and shall not exceed the scope or limit necessary for the performance of its statutory duty.

Article 35 A State agency to process personal information of any individual for the purpose of performing its statutory duty shall perform the obligation of informing in accordance with this Law, except where the first paragraph of Article 18 is applicable, or where such informing will hinder the State agency from performing its statutory duty.

Article 36 Personal information processed by a State agency shall be stored within the territory of the People's Republic of China; where it is necessary to provide such information to an overseas recipient, a security assessment shall be conducted. For such security assessment, support and assistance may be requested from relevant authorities.

Article 37 The provisions of this Law relating to the processing of personal information by State agencies shall apply to the processing of personal information by any organization with an authorized public affairs management function by law or regulations.

Chapter III Rules of Cross-border Provision of Personal Information

Article 38 Where it is necessary for personal information to be provided by a personal information processor to a recipient outside the territory of the People's Republic of China due to any business need or any other need, one of the following conditions shall be met:

1. A security assessment organized by the national cyberspace authority has been passed in accordance with Article 40 of this Law;
2. A certification of personal information protection has been given by a professional institution in accordance with the regulations of the national cyberspace authority;
3. A contract in compliance with the standard contract provided by the national cyberspace authority has been concluded with the overseas recipient, establishing the rights and obligations of both parties; or
4. Any other condition prescribed by law, administrative regulations or the national cyberspace authority is met.

Where there is any stipulation on the condition or any other stipulation for the provision of personal information to a recipient outside the territory of the People's Republic of China in any international treaty or agreement concluded or acceded to by the People's Republic of China, such stipulation may apply. Personal information processors shall take any necessary measure to ensure that the activities of processing of the personal information provided by them carried out by overseas recipients meet the standards of personal information protection provided in this Law

Article 39 A personal information processor who is to provide personal information of any individual to a recipient outside the territory of the People's Republic of China shall inform the individual of the organizational or personal name and contact information of the overseas recipient, the purpose and method of the processing, and the type of personal information involved, as well as the way for the individual to exercise his/her rights provided for by the Law against the overseas recipient, and obtain specific consent from the individual.

Article 40 Critical information infrastructure operators, or personal information processors whose processing of personal information reaches the threshold amount prescribed by the national cyberspace authority, shall store within the territory of the People's Republic of China the personal information collected or generated by them within the territory of the People's Republic of China. Where it is necessary to provide such information to an overseas recipient, a security assessment organized by the national cyberspace authority shall be passed; if a security assessment is not required as provided by law, administrative regulations or the national cyberspace authority, such provision shall prevail.

Article 41 Competent authorities of the People's Republic of China will, in accordance with the relevant law or international treaty or agreement concluded or acceded to by the People's Republic of China or in accordance with the principles of equality and reciprocity, handle requests for the provision of any personal information stored within China made by a foreign judicial or law enforcement body. Without the approval of competent authorities, personal information processors shall not provide any personal information stored within the territory of the People's Republic of China to a foreign judicial or law enforcement body.

Article 42 Any organization or individual outside China engaged in any activity of processing of personal information that infringes on the personal information rights and interests of any citizen of the People's Republic of China, or endangers the national security or public interests of the People's Republic of China, may be included in a list of restricted or prohibited recipients for the provision of personal information, be publicly announced, and be restricted or prohibited from being recipients for the provision of personal information or subject to any other measure by the national cyberspace authority.

Article 43 Any country or region that takes any discriminatory prohibition, restriction, or any other such measure against the People's Republic of China in respect of personal information protection may be subject to reciprocal measures taken by the People's Republic of China depending on the actual situation.

Chapter IV Rights of Individuals in Activities of Processing of Personal Information

Article 44 Individuals have the right to be informed and right to decide on the processing of their personal information, as well as the right to restrict or deny another person from the processing of their personal information, unless otherwise provided by law or administrative regulations.

Article 45 Individuals have the right to access or make copies of their personal information from a personal information processor, except where the first paragraph of Article 18 or Article 35 of this Law is applicable. Where individuals request to access or make copies of their personal information, the personal information processor requested shall provide it in a timely manner. Where individuals request to transfer their personal information to a personal information processor designed by them who meets the conditions prescribed by the national cybersecurity authority, the personal information processor requested shall provide a way for the transfer.

Article 46 Where individuals discover that their personal information is incorrect or incomplete, they have the right to request personal information processors to correct or complete their personal information. Where individuals request a personal information processor to correct or complete their personal information, the personal information processor requested shall check the personal information and correct

or complete it in a timely manner.

Article 47 Under any of the following circumstances, a personal information processor shall delete personal information of an individual on its/his/her own initiative; or the individual has the right to request the deletion if the personal information processor fails to do so:

1. Where the purpose of processing has been achieved or is unable to be achieved, or the personal information is no longer necessary for achieving the purpose of processing;
2. Where the personal information processor ceases the provision of the product or service involved, or the retention period has expired;
3. Where consent is withdrawn by the individual;
4. Where the processing of personal information by the personal information processor is in violation of any law, administrative regulations or agreement; or
5. Any other circumstance as provided by law or administrative regulations.

If the retention period prescribed by laws or administrative regulations has not expired, or it is technically difficult to delete the personal information, the personal information processor shall cease the processing of the personal information, except for the storage and any necessary measure taken for security protection.

Article 48 Individuals have the right to require personal information processors to explain their rules of processing of personal information.

Article 49 In the event of death of a natural person, a close relative of the individual may exercise the rights to access, make copies of, have corrected or deleted and other rights to the relevant personal information of the natural person as provided for by this Chapter, unless the deceased has arranged otherwise before death.

Article 50 Personal information processors shall establish an accessible mechanism for receiving requests from individuals to exercise their rights. For any request to exercise his/her rights made by an individual that is denied, an explanation of reasons shall be provided.

Individuals may bring a lawsuit in a people's court against a personal information processor for the latter's denial of their request to exercise their rights.

Chapter V Obligations of Personal Information Processors

Article 51 Personal information processors shall, based on their purpose and method of processing of personal information, the type of personal information processed and the impact on personal rights and interests, any potential security risk, etc., take the following measures to ensure the compliance of their activities of processing of personal information with laws and administrative regulations, and prevent any unauthorized access to, leakage of, tampering with, or loss of personal information:

1. Developing an internal management system and operating procedures;
2. Managing personal information based on classification;
3. Taking appropriate technical security measures such as encryption and de-identification;
4. Reasonably determining the authorizations to operate the processing of personal information, and conducting security education and training for employees on a regular basis;
5. Developing and organizing the implementation of emergency plans for personal information security incidents; and
6. Taking any other measure as required by law or administrative regulations.

Article 52 Personal information processors whose processing of personal information reaches the threshold amount prescribed by the national cyberspace authority shall appoint a personal information protection officer to be responsible for supervising their activities of processing of personal information, the protection measures taken, etc.

Personal information processors shall disclose the contact information of their personal information

protection officer, and report the name, contact information and other information of such officer to the authorities performing 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 establish a special agency or appoint a representative within the territory of the People's Republic of China to be responsible for personal information protection-related affairs, and submit the name of such agency or the name and contact information of the representative to the authorities performing personal information protection duties.

Article 54 Personal information processors shall have the compliance of their activities of processing of personal information with laws and administrative regulations audited on a regular basis.

Article 55 Under any of the following circumstances, personal information processors shall conduct a personal information protection impact assessment before the event, and keep a record of the processing:

1. Processing of sensitive personal information;
2. Use of personal information in automated decision-making;
3. Contracting of the processing of personal information to another party, provision of personal information to another personal information processor, or disclosure of the personal information;
4. Provision of personal information to an overseas recipient; or
5. Any other activity of processing of personal information of an individual that will have a material impact on personal rights and interests.

Article 56 A personal information protection impact assessment shall cover the following:

1. Whether the purpose, method or any other aspect of the processing of personal information is lawful, legitimate and necessary;
2. The impact on personal rights and interests and level of risk; and
3. Whether any security protection measure taken is lawful, effective and commensurate with the level of risk.

Personal information protection impact assessment reports and records of processing shall be retained for at least three years.

Article 57 For any leakage of, tampering with, or loss of personal information that occurs or may occur, a personal information processor shall immediately take remedial measures, and notify the authorities performing personal information protection duties and any individual concerned of matters including the following:

1. The type of personal information to which the leakage, tampering with, or loss occurs or may occur, the cause of such event or potential event, and the harm that may be caused;
2. Any remedial measure taken by the personal information processor, and any measure that can be taken by the individual to mitigate the harm; and
3. The contact information of the personal information processor.

The personal information processor may be allowed not to notify the individual concerned if the personal information processor can take measures to effectively avoid harm caused by the leakage of, tampering with, or loss of information; however, the authorities performing personal information protection duties may require the personal information processor to notify the individual if they believe that harm may be caused to the individual.

Article 58 Personal information processors who provide an important internet platform service, have a large user base or operate a complex type of business shall perform the following obligations:

1. Establishing a sound personal information protection compliance policy and system in compliance with the regulations of the State, and establishing an independent body that is mainly composed of external members to supervise their protection of personal information;

2. Developing platform rules in accordance with the principles of openness, fairness, and impartiality, specifying the standards for processing of personal information and the obligations of personal information protection to be met by product or service providers operating on their platform;
3. Ceasing the provision of any service to any product or service provider operating on their platform who commits a serious violation of any law or administrative regulation in the processing of personal information; and
4. Publishing a social responsibility report on personal information protection on a regular basis and accepting supervision from the public.

Article 59 The contracted party to any contracted processing of personal information shall take any necessary measure to protect the security of the personal information processed as required by this Law and any relevant law or administrative regulations, and assist the contracting personal information processor in performing the obligations specified in this Law.

Chapter VI Authorities Performing Personal Information Protection Duties

Article 60 The national cyberspace authority shall be responsible for the overall planning and coordination of personal information protection and related supervision and regulation. Relevant authorities under the State Council shall be responsible for personal information protection and the supervision and regulation thereof within their respective scopes of duties in accordance with this Law and relevant laws and administrative regulations.

The duties for personal information protection and the supervision and regulation thereof to be performed by the relevant authorities of local people's governments at the county level or above shall be determined in accordance with relevant regulations of the State.

Authorities specified in the preceding two paragraphs shall be collectively referred to as authorities performing personal information protection duties.

Article 61 Authorities performing personal information protection duties shall perform the following personal information protection duties:

1. Conducting awareness and education activities for personal information protection, and guiding and supervising personal information processors in personal information protection;
2. Accepting and handling personal information protection-related complaints and reports;
3. Organization the testing and evaluation of any application program etc., for personal information protection, and disclosing the results;
4. Investigating and handling illegal activities of processing of personal information; and
5. Any other duty as prescribed by law or administrative regulations.

Article 62 The national cyberspace authority shall organize and coordinate relevant authorities in promoting the following personal information protection-related work:

1. Developing detailed rules and standards for personal information protection;
2. Developing special rules and standards for personal information protection regarding small personal information processors, processing of sensitive personal information, and face recognition, artificial intelligence and other new technologies and new applications;
3. Supporting the research and development as well as promotion of the application of secure and accessible electronic identity authentication technology, and driving the development of public services of online identity certification;
4. Driving the building of a socialized service system for personal information protection, and supporting relevant institutions in providing personal information protection assessment and certification services; and
5. Improving the complaints and reports mechanism for personal information protection.

Article 63 An authority performing personal information protection duties may adopt the following measures

when performing its personal information protection duties:

1. Questioning any party concerned to investigate any circumstance related to an activity of processing of personal information;
2. Accessing and making copies of any contract, record, account book or any other relevant material of a party concerned that is related to an activity of processing of personal information;
3. Conducting an on-site inspection to investigate any suspected illegal activity of processing of personal information; and
4. Checking any equipment or item related to an activity of processing of personal information, which may be seized or confiscated subject to reporting in writing to and approval by a head of the authority if there is evidence proving that such equipment or item is involved in an illegal activity of processing of personal information.

Any party concerned shall assist and cooperate with, and may not deny or obstruct, the performance of their duties in accordance with the law by authorities performing personal information protection duties.

Article 64 For any considerable risk found in an activity of processing of personal information or any personal information security incident found with a personal information processor by an authority performing personal information protection duties in the course of performing its duties, the authority may, in accordance with its authority and the procedure as prescribed, conduct a talk with the legal representative or a head of the personal information processor, or require the personal information processor to have its/his/her activities of processing of personal information audited by a professional institution. The personal information processor shall adopt measures to rectify and eliminate any hazard as required.

In the case of any illegal processing of personal information that is suspected of being a criminal offense as discovered by an authority performing personal information protection duties in the course of performing its duties, the authority shall refer the case to a public authority for legal handling.

Article 65 Any organization or individual shall have the right to file a complaint or report about any illegal activity of processing of personal information with an authority performing personal information protection duties. The authority receiving such a complaint or report shall handle it in a timely manner and in accordance with the law, and notify the person filing the complaint or report of the result.

Authorities performing personal information protection duties shall make their contact information publicly available to receive complaints and reports.

Chapter VII Legal Liability

Article 66 Anyone processing personal information in violation of this Law or failing to perform any obligation of personal information protection specified in this Law in the processing of personal information will be ordered to make a correction, given a warning, and confiscated of any illegal gain by the authorities performing personal information protection duties, and any application program that illegally processes personal information will be ordered to suspend or terminate its services; and if the required correction is not made, a fine of up to CNY1 million will be imposed on the violator; and any person in charge or any other individual directly liable for the violation will be fined between CNY10,000 and CNY100,000.

If the illegal activity specified in the preceding paragraph is of a grave nature, the violator will be ordered to make a correction, confiscated of any illegal gain, and fined up to CNY50 million, or 5% of last year's annual revenue by the authorities performing personal information protection duties at the provincial level or above; and may also be ordered to suspend any related activity or to suspend business for rectification, and/or be reported to the relevant authority for the revocation of the related business permit or the business license; and any person in charge or any other individual directly liable for the violation will be fined between CNY100,000 and CNY1 million and may also be banned for a certain period of time from serving as a director, supervisor, senior officer or personal information protection officer of a relevant enterprise.

Article 67 Any illegal activity specified in this Law if committed shall be entered into credit files in accordance

with relevant law or administrative regulations and be disclosed to the public.

Article 68 Where a State agency fails to perform any of its personal information protection duties prescribed in this Law, its superior agency or the authorities performing personal information protection duties will order it to make a correction; as well as impose disciplinary sanctions on any person in charge or any other individual of the agency who is directly liable for the failure.

Any staff member of an authority performing personal information protection duties who commits any neglect of duty, abuse of authority, or misconduct for personal gains which does not constitute a criminal offence shall be subject to disciplinary sanctions in accordance with the law.

Article 69 Where any damages are caused due to an infringement of personal information rights and interests in the processing of personal information, the infringing personal information processor if unable to prove no fault on its/his/her part shall bear tort liability, including the liability for damages.

The liability for damages specified in the preceding paragraph shall be determined based on the losses incurred to the infringed individual due to the infringement, or the gains derived by the infringing personal information processor from the infringement; or the amount of damages shall be determined based on the actual situation if such losses or gains are difficult to be ascertained.

Article 70 A people's procuratorate, a consumer organization as specified by law, or an organization as determined by the national cyberspace authority may legally bring a lawsuit in a people's court against a personal information processor whose processing of personal information violates this Law and infringes the rights and interests of a large number of individuals.

Article 71 Any violation of this Law that constitutes a violation of public security administration shall be subject to penalty under public security administration rules in accordance with the law; and any such violation that constitutes a criminal offense shall be investigated for criminal liability in accordance with the law.

Chapter VIII Supplementary Provisions

Article 72 This Law does not apply to the processing of personal information by natural persons due to their personal or family affairs.

Where any law provides for the processing of personal information during the statistical or archives management activities organized or conducted by a people's government at any level or a relevant department thereof, such provision shall prevail.

Article 73 For the purposes of this Law, the following terms are defined as follows:

1. "Personal information processor" refers to any organization or individual that independently determines the purpose and method of processing in their activities of processing of personal information.
2. "Automated decision-making" refers to an activity of conducting any analysis or assessment of the behavior and habits, interests and hobbies, financial, health or credit status or other information of an individual, as well as any decision-making automatically through a computer program.
3. "De-identification" refers to the process in which any personal information is processed to the extent that it cannot identify a specific natural person without the help of additional information.
4. "Anonymization" refers to the process in which any personal information is processed to the extent that it cannot identify a specific natural person and cannot be restored to its original state.

Article 74 This Law shall come into force on November 1, 2021