



# Personal Information Protection Law of the People's Republic of China<sup>1</sup>

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The Personal Information Protection Law of the People's Republic of China, as adopted at the 30th Session of the Standing Committee of the Thirteenth National People's Congress on 20 August 2021, is hereby promulgated and shall enter into force on 1 November 2021.

Xi Jinping

President of the People's Republic of China

20 August 2021

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

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

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<sup>1</sup> Translated by Health Law Asia – Pharmaceutical, Medical Device, and Cosmetics Law



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## **Chapter I: General Provisions**

### **Article 1**

This Law is enacted in accordance with the Constitution of the People's Republic of China for the purpose of safeguarding the rights and interests of natural persons in relation to their personal information, regulating activities concerning the processing of personal information, and promoting the lawful and rational use thereof.

### **Article 2**

The personal information of natural persons shall be protected by law. No organization or individual may infringe upon the lawful rights and interests of any natural person in relation to his or her personal information.

### **Article 3**

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

This Law shall also apply to the processing of personal information of natural persons located within the territory of the People's Republic of China conducted outside the territory, where such processing:

1-is for the purpose of providing products or services to natural persons within China;



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- 
- 2-is intended to analyze or assess the behavior of natural persons within China; or
- 3-falls within any other circumstance prescribed by laws or administrative regulations.

#### Article 4

For the purposes of this Law, “personal information” refers to all kinds of information, recorded electronically or otherwise, which relate to an identified or identifiable natural person, but excludes information that has been anonymized.

“Processing of personal information” includes, but is not limited to, the collection, storage, use, handling, 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 shall not be processed through misleading, fraudulent, or coercive means.

#### Article 6

The processing of personal information shall have a clear and reasonable purpose, shall be directly relevant to the purpose of processing, and shall be conducted in a manner that minimizes adverse impact on the rights and interests of individuals.

The collection of personal information shall be confined to the minimum scope necessary to achieve the processing purpose and shall not be excessive.

#### Article 7

Personal information shall be processed in accordance with the principles of openness and transparency. Rules governing the processing of personal information shall be made public, and the purposes, methods, and scope of such processing shall be clearly stated.

#### Article 8



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The accuracy and completeness of personal information shall be ensured during processing to prevent any adverse consequences to individuals arising from erroneous or incomplete information.

#### Article 9

Personal information processors shall bear responsibility for their processing activities and shall adopt all necessary measures to ensure the security of the personal information they handle.

#### Article 10

No organization or individual may unlawfully collect, use, process, or transmit another person's personal information; nor may they unlawfully trade, provide, or disclose such information; nor engage in any activity that endangers national security or the public interest through the processing of personal information.

#### Article 11

The State shall establish and improve a personal information protection system, prevent and penalize infringements upon personal information rights and interests, enhance public education and awareness on personal information protection, and foster a favorable environment in which government bodies, enterprises, social organizations, and the public collectively participate in personal information protection.

#### Article 12

The State shall actively engage in the formulation of international rules for personal information protection, promote international exchange and cooperation in this field, and advance the mutual recognition of protection rules and standards with other countries, regions, and international organizations.

### Chapter II: Rules for the Processing of Personal Information

#### Section 1- General Provisions

#### Article 13



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A personal information processor shall not process personal information unless one of the following conditions is met: the individual's consent has been obtained; the processing is necessary for the conclusion or performance of a contract to which the individual is a party, or for human resource management conducted in accordance with lawfully established labor rules, regulations, or a collective contract concluded pursuant to law; the processing is necessary for the fulfillment of statutory duties or obligations; the processing is necessary to respond to public health emergencies or to protect the life, health, or property safety of natural persons in emergency situations; the processing is carried out within a reasonable scope for the purpose of news reporting, public opinion supervision, or other activities in the public interest; the processing involves personal information that has been lawfully disclosed, whether by the individual or through other legitimate channels, and is conducted within a reasonable scope in accordance with this Law; or under any other circumstances provided by laws or administrative regulations.

Except for the circumstances specified above from the second to the seventh category, the individual's consent shall be obtained prior to processing his or her personal information, in accordance with the relevant provisions of this Law.

#### Article 14

Where personal information is processed on the basis of the individual's consent, such consent shall be freely given, informed, and explicit. Where any law or administrative regulation provides that separate consent or written consent shall be obtained for certain processing activities, such provision shall prevail.

Where there is any change in the purpose or method of processing, or in the type of personal information to be processed, renewed consent shall be obtained from the individual.

#### Article 15

Where personal information is processed on the basis of an individual's consent, the individual shall have the right to withdraw such consent at any time. The personal information processor shall provide a convenient means for the individual to exercise this right. Withdrawal of consent by the individual shall not affect the validity of any processing activities that were carried out on the basis of consent prior to its withdrawal.

#### Article 16

A personal information processor shall not refuse to provide products or services to an individual on the grounds that the individual does not consent to, or has withdrawn consent for, the processing of personal information, except where such processing is necessary for the provision of the relevant products or services.



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## Article 17

Before processing personal information, a personal information processor shall inform individuals truthfully, accurately, and in a complete manner of the relevant matters, using clear and easily understandable language and in a conspicuous form. The matters to be notified shall include the name and contact information of the personal information processor; the purposes and methods of processing, the categories of personal information to be processed, and the retention period; the methods and procedures through which individuals may exercise the rights provided for under this Law; and any other matters that are required by laws or administrative regulations to be notified.

Where any of the matters set forth in the preceding paragraph changes, the personal information processor shall notify the individual of such change in a timely manner.

Where the personal information processor provides notification of the matters set forth in the first paragraph by formulating personal information processing rules, such rules shall be made public and easily accessible and preservable.

## Article 18

Personal information processors shall not be required to notify individuals as prescribed in Paragraph 1 of the preceding Article under circumstances where laws or administrative regulations mandate that such processing be kept confidential, or where notification is otherwise deemed unnecessary.

Where it is impracticable to notify individuals in a timely manner due to the need to protect the life, health, or property of natural persons under emergency conditions, personal information processors shall provide notification promptly upon the cessation of such emergency circumstances.

## Article 19

The retention period of personal information shall be limited to the shortest duration necessary to achieve the purpose of processing, except as otherwise stipulated by applicable laws or administrative regulations.

## Article 20



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Where two or more personal information processors jointly determine the purposes and methods of processing personal information, they shall establish a written agreement delineating their respective rights and obligations. Such agreement shall not impede an individual from exercising their rights under this Law with respect to any of the involved personal information processors.

Where personal information processors jointly processing personal information infringe upon the rights or interests of individuals and cause damage, they shall bear joint and several liability in accordance with applicable law.

## Article 21

A personal information processor engaging a third party to process personal information shall conclude a written agreement with the commissioned party specifying, inter alia, the purposes and duration of processing, processing methods, categories of personal information, security measures, and the respective rights and obligations of the parties. The personal information processor shall supervise the commissioned party's processing activities.

The commissioned party shall process personal information strictly in accordance with the agreed terms and shall not process such information beyond the scope of the agreed purposes or methods. In cases where the commissioning agreement has not taken effect, is invalid, revoked, or rescinded, the commissioned party shall return or delete all personal information received and shall not retain any copies thereof.

The commissioned party shall not, without the consent of the personal information processor, engage a sub-processor to further process the personal information.

## Article 22

Where a personal information processor is required to transfer personal information due to a merger, division, dissolution, bankruptcy declaration, or other similar circumstances, the processor shall notify the affected individuals of the name and contact information of the recipient. The recipient shall assume and continue to perform all obligations of the personal information processor. Should the recipient alter the original purposes or methods of processing, it shall obtain the individuals' consent anew in accordance with this Law.

## Article 23

Where a personal information processor provides another personal information processor with personal information under its control, it shall notify the individuals of the recipient's name, contact information, purposes and methods of processing, and categories of personal



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information, and shall obtain the individuals' separate consent. The recipient shall process such personal information strictly within the scope of the specified purposes, methods, and categories. Any change to the original purposes or methods of processing shall require the recipient to obtain the individuals' consent anew in accordance with this Law.

#### Article 24

Where a personal information processor conducts automated decision-making using personal information, it shall ensure transparency in the decision-making process and guarantee the fairness and impartiality of outcomes, refraining from imposing unreasonable differential treatment on individuals with respect to pricing or other transaction conditions.

Where information push or commercial marketing is conducted via automated decision-making, the processor shall provide options not tailored to individual characteristics or shall provide individuals with a convenient mechanism to opt out.

Where an automated decision has a substantial impact on an individual's rights and interests, the individual shall have the right to request an explanation from the personal information processor and to refuse to be subject solely to decisions made through automated processing.

#### Article 25

Personal information processors shall not disclose the personal information under their control, except with the explicit and separate consent of the individuals.

#### Article 26

The installation of image collection or personal identification equipment in public places shall be necessary for the purpose of maintaining public security and shall comply with relevant provisions issued by the State. Conspicuous signage indicating the presence of such equipment shall be installed. Personal images and identification information collected through such equipment shall be used solely for purposes of maintaining public security and shall not be used for any other purposes without the separate and explicit consent of the individuals concerned.

#### Article 27

A personal information processor may process personal information that has been disclosed by the individual or otherwise lawfully disclosed, within a reasonable scope, except where the



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individual has expressly refused such processing. If the processing of such disclosed personal information may have a significant impact on the rights and interests of the individual, the processor shall obtain the individual's consent in accordance with the provisions of this Law.

## Section 2- Rules for Processing Sensitive Personal Information

### Article 28

“Sensitive personal information” refers to personal information that, if leaked or illegally used, could easily result in infringement of personal dignity or harm to personal or property safety. This includes, but is not limited to, information concerning biometric identifiers, religious beliefs, specific identities, health, financial accounts, personal whereabouts, and personal information of minors under the age of fourteen.

Personal information processors shall not process sensitive personal information except where there are specific purposes, sufficient necessity, and stringent protective measures in place.

### Article 29

Separate consent shall be obtained from the individual prior to processing sensitive personal information. Where any law or administrative regulation requires written consent for the processing of sensitive personal information, such requirement shall prevail.

### Article 30

In addition to the matters specified in Paragraph 1 of Article 17, personal information processors shall notify individuals of the necessity for processing sensitive personal information and the potential impact on the individuals' rights and interests, except where notification is not required under this Law.

### Article 31

Where a personal information processor processes the personal information of a minor under the age of fourteen, it shall obtain the consent of the minor's parents or other legal guardians.

A personal information processor handling the personal information of minors under the age of fourteen shall establish and implement special rules for the processing of such personal information.



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## Article 32

Where any law or administrative regulation provides that the processing of sensitive personal information is subject to administrative licensing or other regulatory restrictions, such provisions shall prevail.

## Section 3- Specific Provisions on the Processing of Personal Information by State Organs

### Article 33

The provisions of this Law shall apply to the processing of personal information by state organs. In the event of any special provisions contained in this Section, such provisions shall prevail.

### Article 34

State organs shall process personal information solely to fulfill their statutory functions, in accordance with the authority and procedures prescribed by laws and administrative regulations, and shall not exceed the scope or limits necessary for the performance of such functions.

### Article 35

State organs processing personal information to fulfill their statutory functions shall observe the notification obligations prescribed by this Law, except where circumstances fall within Paragraph 1 of Article 18 or where notification would hinder the performance of their statutory functions.

### Article 36

Personal information processed by state organs 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 prior to the transfer. Relevant departments may be required to provide support and assistance in the conduct of such security assessments.

### Article 37



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Where organizations authorized by laws or administrative regulations to exercise public affairs powers process personal information to fulfill their statutory functions, the provisions of this Law governing the processing of personal information by state organs shall apply.

### **Chapter III: Rules on the Cross-Border Provision of Personal Information**

#### **Article 38**

Where a personal information processor legitimately needs to provide personal information to any party outside the territory of the People's Republic of China for business or other purposes, the processor shall satisfy at least one of the following conditions: it has successfully passed the security assessment organized by the National Cyberspace Administration in accordance with Article 40 of this Law; it has obtained personal information protection certification from a specialized institution in accordance with standards prescribed by the National Cyberspace Administration; it has entered into a contract with the overseas recipient in accordance with the model contract formulated by the National Cyberspace Administration, specifying the rights and obligations of both parties; or it satisfies other conditions prescribed by laws, administrative regulations, or the National Cyberspace Administration.

Where an international treaty or agreement to which the People's Republic of China is a party provides conditions for the cross-border provision of personal information, such provisions may apply.

The personal information processor shall adopt necessary measures to ensure that the overseas recipient's processing of personal information complies with the personal information protection standards set forth in this Law.

#### **Article 39**

Where a personal information processor discloses personal information to any entity located outside the territory of the People's Republic of China, such processor shall notify the data subjects of the overseas recipient's name and contact details, the purposes and methods of processing, the categories of personal information involved, the procedures and means by which the data subjects may exercise the rights conferred upon them under this Law with respect to the overseas recipient, and any other relevant matters, and shall obtain the separate consent of the data subjects.

#### **Article 40**

Operators of critical information infrastructure and personal information processors handling personal information that meets or exceeds the quantitative threshold specified by the National Cyberspace Administration shall store all personal information collected or generated within



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the territory of the People's Republic of China domestically. Where it is deemed genuinely necessary to transfer such information to an overseas recipient, a security assessment organized by the National Cyberspace Administration must be successfully completed. In cases where laws, administrative regulations, or provisions issued by the National Cyberspace Administration provide that a security assessment is not required, such provisions shall prevail.

#### Article 41

Requests from foreign judicial or law enforcement authorities for personal information stored within the territory of the People's Republic of China shall be handled by the competent authority of the People's Republic of China in accordance with applicable laws, and international treaties or agreements to which the People's Republic of China is a party, or on the basis of the principles of equality and reciprocity. Personal information processors shall not provide personal information stored within the territory of the People's Republic of China to any foreign judicial or law enforcement authority without the prior approval of the competent authority of the People's Republic of China.

#### Article 42

Where an overseas organization or individual engages in personal information processing activities that infringe upon the personal information rights or interests of citizens of the People's Republic of China, or otherwise jeopardize national security or the public interest, the National Cyberspace Administration may designate such organization or individual as restricted or prohibited with respect to the receipt of personal information, issue a public notice, and take measures including, but not limited to, restricting or prohibiting the provision of personal information to such organization or individual.

#### Article 43

Where any foreign country or region implements prohibitive, restrictive, or other discriminatory measures against the People's Republic of China with respect to the protection of personal information, the People's Republic of China may, based on actual circumstances, implement reciprocal measures against such country or region.

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

#### Article 44



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Individuals shall have the right to be informed of, and to make decisions regarding, the processing of their personal information, and shall have the right to restrict or refuse the processing of their personal information by others, except as otherwise provided by any law or administrative regulation.

#### Article 45

Individuals shall have the right to access and obtain copies of their personal information from personal information processors, except under the circumstances specified in paragraph 1 of Article 18 or Article 35 of this Law. Where individuals request access to or copies of their personal information, personal information processors shall provide such information in a timely manner. Where individuals request the transfer of their personal information to designated personal information processors, and the conditions prescribed by the National Cyberspace Administration are met, personal information processors shall provide the necessary channels to effectuate such transfer.

#### Article 46

Where individuals discover that their personal information is inaccurate or incomplete, they shall have the right to request that personal information processors correct or supplement the relevant information. Upon receiving such a request, personal information processors shall verify the personal information and make the necessary corrections or additions in a timely manner.

#### Article 47

A personal information processor shall, under any circumstance in which the purpose for processing personal information has been achieved or cannot be achieved, or the information is no longer necessary to achieve the processing purpose, voluntarily delete an individual's personal information. Similarly, deletion is required when the personal information processor ceases to provide the relevant products or services, when the statutory retention period has expired, when the individual withdraws consent, when the personal information processor processes the information in violation of any law, administrative regulation, or agreement, or under other circumstances as provided by applicable laws and administrative regulations. Where the retention period prescribed by law or administrative regulation has not expired, or where technical limitations make deletion difficult, the personal information processor shall cease processing the personal information, except for storing it and taking necessary security protection measures.

#### Article 48

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Individuals shall have the right to request that personal information processors explain their personal information processing rules.

#### Article 49

Where a natural person dies, his or her close relatives may, in order to protect their own lawful and legitimate rights and interests, exercise the rights to access, obtain copies of, correct, and delete the relevant personal information of the deceased, except as otherwise arranged by the deceased prior to his or her death.

#### Article 50

Personal information processors shall establish convenient mechanisms for receiving and handling individuals' requests to exercise their rights. Where an individual's request is rejected, the reasons for such rejection shall be provided. In cases where a personal information processor refuses an individual's request to exercise his or her rights, the individual may file a lawsuit with the people's court in accordance with applicable law.

### Chapter V: Obligations of Personal Information Processors

#### Article 51

Personal information processors shall, based on the purposes and methods of processing, the categories of personal information, the impacts on individuals' rights and interests, and potential security risks, adopt measures to ensure that personal information processing activities comply with the provisions of laws and administrative regulations, and to prevent unauthorized access, leakage, tampering, or loss of personal information. Such measures shall include developing internal management rules and operating procedures, implementing classified management of personal information, adopting appropriate technical security measures such as encryption and de-identification, determining in a reasonable manner operational privileges related to personal information processing, providing regular security education and training for employees, developing and implementing emergency plans for personal information security incidents, and taking any other measures as required by applicable laws and administrative regulations.

#### Article 52

A personal information processor that handles personal information meeting or exceeding the quantitative thresholds specified by the National Cyberspace Administration shall appoint a



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person in charge of personal information protection, who shall be responsible for overseeing personal information processing activities and the protective measures implemented, among other responsibilities. The personal information processor shall disclose the contact information of the person in charge of personal information protection, and shall submit the name and contact information of such person to the authority responsible for personal information protection functions.

#### Article 53

Personal information processors located outside the territory of the People's Republic of China, as provided in paragraph 2 of Article 3 of this Law, shall establish dedicated institutions or designate representatives within the territory of the People's Republic of China to handle matters relating to personal information protection, and shall submit the names of such institutions or the names and contact information of the representatives to the authorities responsible for personal information protection functions.

#### Article 54

Personal information processors shall conduct regular audits to ensure that their processing of personal information complies with applicable laws and administrative regulations.

#### Article 55

Personal information processors shall conduct a personal information protection impact assessment in advance, and record relevant processing information, under any circumstances where they process sensitive personal information, use personal information for automated decision-making, commission the processing of personal information, provide personal information to other personal information processors, disclose personal information, transfer personal information to an overseas recipient, or engage in any other personal information processing activities that may have a significant impact on individuals' rights and interests.

#### Article 56

A personal information protection impact assessment shall include an evaluation of whether the purposes and methods of personal information processing are lawful, legitimate, and necessary; an assessment of the potential impacts on individuals' rights and interests and the associated security risks; and a determination of whether the protective measures adopted are lawful, effective, and proportionate to the level of risk involved. Personal information protection impact assessment reports, along with records of processing activities, shall be retained for a minimum period of three years.



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## Article 57

Where a leakage, alteration, or loss of personal information occurs or may occur, the personal information processor shall immediately adopt remedial measures and notify both the authority responsible for personal information protection functions and the relevant individuals. The notification shall include information concerning the categories of personal information that have been, or may have been, leaked, altered, or lost; the causes and possible consequences of such incidents; the remedial measures adopted by the personal information processor; the measures that individuals may take to mitigate potential harm; and the contact information of the personal information processor.

Where the measures adopted by the personal information processor are sufficient to effectively prevent harm resulting from the leakage, alteration, or loss of personal information, notification to the affected individuals shall not be required. However, where the authority responsible for personal information protection functions determines that harm may still arise, it shall have the right to require the personal information processor to notify the affected individuals.

## Article 58

Personal information processors that provide major Internet platform services involving a large number of users and complex business operations shall fulfill the following obligations. They shall establish and improve personal information protection compliance systems in accordance with the provisions issued by the State, and form independent supervisory bodies primarily composed of external personnel to oversee personal information protection. They shall, in adherence to the principles of openness, fairness, and impartiality, develop platform rules, specify the standards governing the processing of personal information by product or service providers operating on their platforms, and define their respective obligations regarding the protection of personal information. They shall cease providing services to product or service providers on their platforms that engage in serious violations of laws or administrative regulations concerning personal information processing. They shall also issue regular social responsibility reports on personal information protection and subject themselves to public oversight.

## Article 59

Parties commissioned to process personal information shall, in accordance with this Law and other applicable laws and administrative regulations, take necessary measures to ensure the security of the personal information processed and assist personal information processors in fulfilling their obligations as prescribed by this Law.



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## Chapter VI: Authorities Responsible for Personal Information Protection Functions

### Article 60

The National Cyberspace Administration shall be responsible for the overall planning, coordination, and supervision of personal information protection work. Relevant departments of the State Council shall, in accordance with this Law and other applicable laws and administrative regulations, be responsible for personal information protection and for the supervision and administration thereof within the scope of their respective functions.

The personal information protection and supervision functions 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 issued by the State.

The departments referred to in the preceding two paragraphs shall collectively be known as the authorities performing personal information protection functions.

### Article 61

Authorities performing personal information protection functions shall undertake the following responsibilities related to personal information protection. They shall conduct publicity, education, and awareness campaigns on personal information protection, and provide guidance and supervision to personal information processors regarding their personal information protection activities. They shall receive and handle complaints and reports concerning personal information protection matters. They shall organize the testing and assessment of personal information protection mechanisms in application programs and other relevant systems, and publish the results of such testing and assessment. They shall investigate and address unlawful acts involving the processing of personal information, and perform any other functions as prescribed by laws and administrative regulations.

### Article 62

The National Cyberspace Administration shall coordinate the efforts of relevant departments to promote personal information protection in accordance with this Law. It shall formulate specific rules and standards for personal information protection, and establish specialized rules and standards applicable to small-scale personal information processors, the processing of sensitive personal information, and emerging technologies and applications such as facial recognition and artificial intelligence. It shall support the research, development, promotion, and adoption of secure and convenient electronic identity authentication technologies, and promote the establishment of public services for online identity authentication. It shall advance the development of a socialized service system for personal information protection, and support relevant institutions in providing assessment and certification services for personal information protection. It shall also improve mechanisms for handling personal information protection complaints and reports.



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## Article 63

When performing their duties in relation to personal information protection, the authorities responsible for personal information protection may adopt the following measures. They may interview relevant parties and investigate circumstances relating to personal information processing activities. They may examine and reproduce contracts, records, account books, and other materials pertinent to personal information processing. They may conduct on-site inspections and investigate suspected unlawful personal information processing activities. They may also examine equipment and articles used in personal information processing, and, where evidence demonstrates their use in illegal processing activities, may seize or impound such equipment and articles upon submission of a written report and approval by the principal person in charge of the authority.

When performing their functions in accordance with the law, the parties concerned shall provide assistance and cooperation to the authorities responsible for personal information protection, and shall not refuse or obstruct such lawful actions.

## Article 64

Where, in the course of performing its duties, an authority responsible for personal information protection identifies significant risks in personal information processing activities, or where a personal information security incident occurs, it may, in accordance with the prescribed authority and procedures, hold an interview with the legal representative or principal person in charge of the personal information processor, or require the personal information processor to engage a professional institution to conduct a compliance audit of its personal information processing activities. The personal information processor shall take corrective actions and eliminate potential risks as required.

Where an authority responsible for personal information protection, in the course of performing its duties, discovers that suspected illegal personal information processing activities may constitute a crime, it shall promptly transfer the case to the public security organ for handling in accordance with the law.

## Article 65

All organizations and individuals shall have the right to lodge complaints or submit reports concerning illegal personal information processing activities to the authorities responsible for personal information protection. Authorities receiving such complaints or reports shall handle them promptly in accordance with the law and shall notify the complainants or informants of the results of their handling. The authorities responsible for personal information protection shall make public their contact information for receiving complaints and reports.



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## Chapter VII: Legal Liability

### Article 66

Where a personal information processor processes personal information in violation of this Law, or fails to fulfill the personal information protection obligations prescribed herein, the authority responsible for personal information protection shall order the personal information processor to make corrections, issue a warning, and confiscate any illegal gains. Where an application program is found to have processed personal information in violation of this Law, the authority shall order the suspension or termination of its services. Where the personal information processor refuses to make corrections, it or he may be fined up to one million yuan, and any directly responsible person in charge or other directly responsible individual may be fined between ten thousand yuan and one hundred thousand yuan.

Where the violation referred to in the preceding paragraph is of a serious nature, the authority responsible for personal information protection at or above the provincial level shall order the personal information processor to make corrections, confiscate any illegal gains, and impose a fine of up to fifty million yuan or up to five percent of the processor's turnover from the previous year. The authority may also order the suspension of relevant business operations or the suspension of business for rectification, and may request the competent department concerned to revoke the relevant business permit or business license. Furthermore, any directly responsible person in charge or other directly responsible individual shall be fined between one hundred thousand yuan and one million yuan, and may be prohibited from serving as a director, supervisor, senior executive, or person responsible for personal information protection in related enterprises for a prescribed period of time.

### Article 67

Where a violation of the provisions of this Law occurs, the matter shall be entered into the relevant credit record and made public in accordance with applicable laws and administrative regulations.

### Article 68

Where a state organ fails to fulfill its personal information protection obligations as prescribed by this Law, its superior organ or the authority responsible for personal information protection shall order it to make corrections and shall take disciplinary action against the directly responsible person in charge and other directly responsible personnel in accordance with the law.

Where a functionary of the authority responsible for personal information protection neglects his or her duties, abuses power, or engages in falsification for personal gain, and the act does



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not constitute a criminal offense, he or she shall be subject to disciplinary action in accordance with the law.

#### Article 69

Where the processing of personal information infringes upon the rights and interests related to personal information and causes damage, and the personal information processor is unable to prove the absence of fault on its or his part, the personal information processor shall bear liability for damages and other civil liability in tort.

The amount of compensation shall be determined based on the losses suffered by the individual or the benefits obtained by the personal information processor. Where it is difficult to determine either the losses suffered by the individual or the benefits obtained by the processor, the amount of damages shall be determined according to the actual circumstances.

#### Article 70

Where the processing of personal information in violation of this Law infringes upon the rights and interests of a large number of individuals, the people's procuratorate, a legally established consumer organization, or an organization designated by the National Cyberspace Administration may file a lawsuit with the people's court in accordance with the law.

#### Article 71

Where a violation of this Law constitutes an act in violation of public security administration, the public security organ shall impose administrative penalties in accordance with the law; and where such violation constitutes a crime, criminal liability shall be pursued in accordance with the law.

### Chapter VIII: Supplemental Provisions

#### Article 72

This Law shall not apply where a natural person processes personal information for personal or household purposes.

Where other laws provide otherwise with respect to the processing of personal information in the course of statistical or archival administration activities organized and conducted by



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people's governments at all levels and the relevant departments thereof, such provisions shall prevail.

### Article 73

For the purposes of this Law, the following terms shall have the meanings set forth below:

“Personal information processor” refers to any organization or individual that independently determines the purposes and methods of processing in the course of personal information processing activities.

“Automated decision-making” refers to activities in which computer programs automatically analyze or assess individuals’ behavioral habits, preferences, or financial, health, and credit conditions, and make decisions based on such analysis or assessment.

“De-identification” refers to the process of handling personal information in such a way that specific natural persons cannot be identified without the aid of additional information.

“Anonymization” refers to the process of handling personal information in such a way that specific natural persons cannot be identified, and the information cannot be restored to its original state.

### Article 74

This Law shall enter into force on November 1, 2021.



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