

中华人民共和国个人信息保护法(草案)

(二次审议稿)

Personal Information Protection Law of the People's Republic of China (Draft) (Second Review)

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第一章 总则

Chapter I – General Principles

第一条 为了保护个人信息权益，规范个人信息处理活动，促进个人信息合理利用，制定本法。

Article 1 This Law is promulgated in order to protect the interests of personal information, regulate personal information processing activities, and promote the proper use of personal information.

第二条 自然人的个人信息受法律保护，任何组织、个人不得侵害自然人的个人信息权益。

Article 2 The personal information of natural persons is protected by law, and no organization or individual is allowed to violate the personal information rights of natural persons.

第三条 组织、个人在中华人民共和国境内处理自然人个人信息的活动，适用本法。
在中华人民共和国境外处理中华人民共和国境内自然人个人信息的活动，有下列情形之一的，也适用本法：

- (一) 以向境内自然人提供产品或者服务为目的；
- (二) 分析、评估境内自然人的行为；
- (三) 法律、行政法规规定的其他情形。

Article 3 This Law applies to the processing of personal information of natural persons by organizations and individuals within the territory of the People's Republic of China. This Law also applies to processing that occurs outside the territory of the People's Republic of China of the personal information of natural persons in the territory of the People's Republic of China, if one of the following criteria is satisfied:

1. For the purpose of providing products or services to natural persons in the territory;
2. Analyze and evaluate the behavior of natural persons in the territory;
3. Other circumstances stipulated by laws and administrative regulations.

第四条 个人信息是以电子或者其他方式记录的与已识别或者可识别的自然人有关的各种信息，不包括匿名化处理后的信息。

个人信息的处理包括个人信息的收集、存储、使用、加工、传输、提供、公开等。

Article 4 Personal information refers to various types of electronic or otherwise recorded information related to identified or identifiable natural persons, excluding anonymized information.

The processing of personal information includes the collection, storage, use, refining, transmission, provision, or public disclosure of personal information etc.

第五条 处理个人信息应当采用合法、正当的方式，遵循诚信原则，不得通过误导、欺诈、胁迫等方式处理个人信息。

Article 5 The processing of personal information shall adopt lawful and proper methods and follow the principle of good faith. Personal information shall not be processed using misleading, fraudulent or coercive methods.

第六条 处理个人信息应当具有明确、合理的目的，并应当限于实现处理目的所必要的最小范围、采取对个人权益影响最小的方式，不得进行与处理目的无关的个人信息处理。

Article 6 The processing of personal information shall have a clear and reasonable purpose and shall be limited to the minimum scope necessary to achieve the purpose of processing, and adopt means that have the minimum impact on personal rights and interests. The processing of personal information irrelevant to the purpose of processing is prohibited.

第七条 处理个人信息应当遵循公开、透明的原则，公开个人信息处理规则，明示处理规则的目的、方式和范围

Article 7 The processing of personal information shall follow the principles of openness and transparency, and rules for the processing of personal information shall be made publicly available, explicitly expressing the purpose, method and scope of the processing.

第八条 处理个人信息应当保证个人信息的质量，避免因个人信息不准确、不完整对个人权益造成不利影响。

Article 8 The processing of personal information shall ensure the quality of personal information to avoid negative impact on individuals' rights and interests due to the inaccuracy or incompleteness of the personal information.

第九条 个人信息处理者应当对其个人信息处理活动负责，并采取必要措施保障所处理的个人信息的安全。

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

第十条 任何组织、个人不得违反法律、行政法规的规定处理个人信息，不得从事危害国家安全、公共利益的个人处理活动。

Article 10 No organization or individual may process personal information in violation of laws and administrative regulations, and must not engage in personal information processing activities that endanger national security or public interests.

第十一条 国家建立健全个人信息保护制度，预防和惩治侵害个人信息权益的行为，加强个人信息保护宣传教育，推动形成政府、企业、相关行业组织、社会公众共同参与个人信息保护的良好环境。

Article 11 The state establishes and improves a personal information protection system, prevents and punishes acts that infringe personal information rights, strengthens the publicity of and education about personal information protection, and promotes the formation of a positive environment where governments, enterprises, relevant industry organizations, and the public participate jointly in the protection of personal information.

第十二条 国家积极参与个人信息保护国际规则的制定，促进个人信息保护方面的国际交流与合作，推动与其他国家、地区、国际组织之间的个人信息保护规则、标准等的互认。

Article 12 The state actively participates in the formulation of international rules for personal information protection, promotes international exchanges and cooperation in personal information protection, and promotes mutual recognition of personal information protection rules and standards with other countries, regions, and international organizations.

第二章 个人信息处理规则

Chapter II – Rules for the Processing of Personal Information

第一节 一般规定

Section 1: General Provisions

第十三条 符合下列情形之一的，个人信息处理者方可处理个人信息：

- (一)取得个人的同意；
- (二)为订立或者履行个人作为一方当事人的合同所必需；
- (三)为履行法定职责或者法定义务所必需；
- (四)为应对突发公共卫生事件，或者紧急情况下为保护自然人的生命健康和财产安全所必需；
- (五)依照本法规定在合理范围内处理已公开的个人信息；
- (六)为公共利益实施新闻报道、舆论监督等行为在合理的范围内处理个人信息；
- (七)法律、行政法规规定的其他情形。

依照本法其他有关规定，处理个人信息应当取得个人同意，但有前款第二项至第七项规定情形的，不需取得个人同意。

Article 13 Personal information processing entities may process personal information if one of the following circumstances is satisfied:

1. Consent from an individual has been obtained;
2. It is necessary for the conclusion or performance of a contract to which the individual is a party;
3. It is necessary for the performance of legal duties or obligations;
4. It is necessary for the response to public health emergencies, or necessary for protecting the safety of life, health and property of natural persons in an emergency;

5. Processing personal information that is already made public within the reasonable scope according to requirements of this Law;
6. The personal information is processed within a reasonable scope for conducting news reports, public opinion supervision and other acts for the public interest;
7. Other circumstances stipulated by laws and administrative regulations.

In accordance with other relevant provisions of this Law, consent from individuals shall be obtained for the processing of personal information, but the individual's consent is not required if any of the conditions listed in items 2 through 7 above is applicable.

第十四条 处理个人信息的同意，应当由个人在充分知情的前提下，自愿、明确作出。法律、行政法规规定处理个人信息应当取得个人单独同意或者书面同意的，从其规定。

个人信息的处理目的、处理方式和处理的个人信息种类发生变更的，应当重新取得个人同意。

Article 14 Consent to the processing of personal information shall be made voluntarily and clearly on the basis of the individual's full knowledge. Where laws and administrative regulations stipulate that the processing of personal information shall obtain an individual's specific consent or written consent, these provisions shall apply.

If the purpose of processing, method of processing and the type of processed personal information change, then the individual's consent shall be obtained again.

第十五条 个人信息处理者处理不满十四周岁未成年人个人信息的，应当取得未成年人父母或者其他监护人的同意。

Article 15 Where a personal information processing entity processes personal information of a minor under the age of 14, consent from the parents or other guardians of the minor shall be obtained.

第十六条 基于个人同意而进行的个人信息处理活动，个人有权撤回其同意。个人信息处理者应当提供便捷的撤回同意的方式。

个人撤回同意，不影响撤回前基于个人同意已进行的个人信息处理活动的效力。

Article 16 For personal information processing activities based on individual consent, individuals have the right to withdraw their consent. Personal information processing entities shall provide convenient methods to withdraw the consent.

Individuals' withdrawal of consent does not impact the validity of personal information processing activities carried out before the consent is withdrawn.

第十七条 个人信息处理者不得以个人不同意处理其个人信息或者撤回其对个人信息处理的同意为由，拒绝提供产品或者服务；处理个人信息属于提供产品或者服务所必需的除外。

Article 17 Personal information processing entities shall not refuse to provide products or services on the grounds that individuals do not agree to the processing of their personal

information or have withdrawn their consent to the processing of personal information, except where the processing of personal information is necessary for the provision of such products or services.

第十八条 个人信息处理者在处理个人信息前，应当以显著方式、清晰易懂的语言向个人告知下列事项：

- (一)个人信息处理者的身份和联系方式；
- (二)个人信息的处理目的、处理方式，处理的个人信息种类、保存期限；
- (三)个人行使本法规定权利的方式和程序；
- (四)法律、行政法规规定应当告知的其他事项。

前款规定事项发生变更的，应当将变更部分告知个人。

个人信息处理者通过制定个人信息处理规则的方式告知第一款规定事项的，处理规则应当公开，并且便于查阅和保存。

Article 18 Before processing personal information, personal information processing entities shall notify individuals of the following matters in a prominent way and in clear and understandable language:

1. The identity and contact information of the personal information processing entity;
2. The purpose and method of the processing of personal information, the type of personal information processed and the retention period of the processed personal information;
3. The methods and procedures for individuals to exercise their rights under this law;
4. Other matters that shall be notified as stipulated by laws and administrative regulations. If there is any change to the matters specified in the preceding paragraph, the individual shall be notified of the change.

Where the personal information processing entity informs individuals of the matters specified in the first paragraph by formulating rules for the processing of personal information, the processing rules shall be made public and easy to read and save.

第十九条 个人信息处理者处理个人信息，有法律、行政法规规定应当保密或者不需要告知的情形，可以不向个人告知前条规定的事项。

紧急情况下为保护自然人的生命健康和财产安全无法及时向个人告知的，个人信息处理者应当在紧急情况消除后及时告知。

Article 19 When processing personal information, personal information processing entities are not required to notify individuals of the matters stipulated in the preceding article, if there are circumstances in which laws and administrative regulations stipulate the confidentiality of the information or otherwise specify that the information need not be notified.

In an emergency, if it is not possible to notify individuals in time to protect the safety of life, health and property of natural persons, the personal information processing entity shall notify them in time after the emergency ceases.

第二十条 个人信息的保存期限应当为实现处理目的所必要的最短时间。法律、行政法规对个人信息的保存期限另有规定的，从其规定。

Article 20 The retention period of personal information shall be the shortest length of time necessary to achieve the purpose of the processing. Where other laws and administrative regulations stipulate other provisions on the retention period of personal information, those provisions shall apply.

第二十一条 两个以上的个人信息处理者共同决定个人信息的处理目的和处理方式的，应当约定各自的权利和义务。但是，该约定不影响个人向其中任何一个个人信息处理者要求行使本法规定的权利。

个人信息处理者共同处理个人信息，侵害个人信息权益的，应当承担连带责任。

Article 21 Where more than two personal information processing entities jointly determine the purpose and method of processing personal information, they shall agree on their respective rights and obligations. However, this agreement does not affect the individual's request to any of the personal information processing entities to exercise the rights stipulated in this law.

Personal information processing entities who jointly process personal information and infringe on the rights of personal information shall bear joint liability.

第二十二条 个人信息处理者委托处理个人信息的，应当与受托方约定委托处理的目的、期限、处理方式、个人信息的种类、保护措施以及双方的权利和义务等，并对受托方的个人信息处理活动进行监督。

受托方应当按照约定处理个人信息，不得超出约定的处理目的、处理方式等处理个人信息；委托合同不生效、无效、被撤销或者终止的，受托方应当将个人信息返还个人信息处理者或者予以删除，不得保留。

未经个人信息处理者同意，受托方不得转委托他人处理个人信息。

Article 22 When a personal information processing entity entrusts the processing of personal information, it shall agree with the entrusted party on the purpose of the entrustment of processing, the processing period, method, the type of personal information, the protection measures and the rights and obligations of both parties, etc., and supervise the personal information processing activities by the entrusted party.

The entrusted party shall process personal information in accordance with the agreement, and shall not process personal information beyond the agreed purpose of processing, processing method, etc. Where the contract for the entrustment is not effective, void, withdrawn, or terminated, the entrusted party shall return the personal information to the personal information processing entity or delete it and shall no longer retain such personal information.

The entrusted party shall not sub-entrustment others to process personal information without the consent of the personal information processing entity.

第二十三条个人信息处理者因合并、分立等原因需要转移个人信息的，应当向个人告知接收方的身份、联系方式。接收方应当继续履行个人信息处理者的义务。接收方变更原先的处理目的、处理方式，应当依照本法规定重新取得个人同意。

Article 23 If a personal information processing entity needs to transfer personal information due to a merger, division, or other reasons, it shall notify individuals of the identity and contact information of the receiving party. The receiving party shall continue to perform the obligations of the personal information processing entity. If the receiving party changes the original purpose and method of processing, it shall obtain the individual's consent in accordance with this law.

第二十四条个人信息处理者向他人提供其处理的个人信息的，应当向个人告知接收方的身份、联系方式、处理目的、处理方式和个人信息的种类，并取得个人的单独同意。接收方应当在上述处理目的、处理方式和个人信息的种类等范围内处理个人信息。接收方变更原先的处理目的、处理方式的，应当依照本法规定重新取得个人同意。

Article 24 If a personal information processing entity provides others with personal information it processes, it shall notify individuals of the identity, contact information, purpose of processing, processing method and type of personal information of the recipient, and obtain specific consent from the individual. The recipient receiving the personal information shall process the personal information within the scope of the above-mentioned purpose of processing, processing method, and type of personal information. If the receiving party changes the original purpose and method of processing, it shall obtain individual's consent again in accordance with this Law.

第二十五条 利用个人信息进行自动化决策，应当保证决策的透明度和结果的公平合理。通过自动化决策方式进行商业营销、信息推送，应当同时提供不针对其个人特征的选项，或者向个人提供拒绝的方式。

通过自动化决策作出对个人权益有重大影响的决定，个人有权要求个人信息处理者予以说明，并有权拒绝个人信息处理者仅通过自动化决策的方式作出决定。

Article 25 For the use of personal information for automated decision-making, the transparency of decision-making and the fairness and reasonableness of results shall be ensured.

Commercial marketing and information push notifications based on automated decision-making methods shall also provide the option not to be targeted on the basis of personal characteristics or provide ways for individuals to refuse.

Where decisions with a significant impact on the individuals' rights and interests are made through automated decision making, individuals are entitled to request an explanation from

the personal information processing entity and prohibit the personal information processing entity from making a decision solely on the basis of automated decision-making.

第二十六条 个人信息处理者不得公开其处理的个人信息；取得个人单独同意的除外。

Article 26 Personal information processing entities shall not disclose the personal information they process, except where they have obtained specific consent from the individual.

第二十七条 在公共场所安装图像采集、个人身份识别设备，应当为维护公共安全所必需，遵守国家有关规定，并设置显著的提示标识。所收集的个人信息、个人身份特征信息只能用于维护公共安全的目的，不得公开或者向他人提供，取得个人单独同意的除外。

Article 27 The installation of image collection and personal identity recognition devices in public venues is permissible if it is necessary to safeguard public security, comply with relevant regulations of the state, or to set prominent reminder notices. The personal images and personal identification information to be collected can only be used for the purpose of safeguarding public security and shall not be disclosed or provided to others, except where individuals' specific consent is obtained.

第二十八条 个人信息处理者处理已公开的个人信息，应当符合该个人信息被公开时的用途。超出与该用途相关的合理范围的，应当依照本法规定取得个人同意。个人信息被公开时的用途不明确的，个人信息处理者应当合理、谨慎地处理已公开的个人信息；利用已公开的个人信息从事对个人有重大影响的活动，应当依照本法规定取得个人同意。

Article 28 The processing of personal information that has been disclosed by a personal information processing entity shall comply with the purpose for which the personal information was disclosed; if it exceeds the reasonable scope related to the purpose, it shall obtain individual's consent in accordance with this Law. If the purpose for disclosing personal information is not clear when it is disclosed, the personal information processing entity shall process the disclosed personal information in a reasonable and cautious manner. For activities using disclosed personal information that have a significant impact on individuals, individual's consent shall be obtained in accordance with this Law.

第二节 敏感个人信息的处理规则

Section 2: Rules for the Processing of Sensitive Personal Information

第二十九条 个人信息处理者具有特定的目的和充分的必要性，方可处理敏感个人信息。敏感个人信息是一旦泄露或者非法使用，可能导致个人受到歧视或者人身、财产安全受到严重危害的个人信息，包括种族、民族、宗教信仰、个人生物特征、医疗健康、金融账户、个人行踪等信息。

Article 29 The personal information processing entity may process sensitive personal

information only as necessary for specific purposes. Sensitive personal information is personal information that, once leaked or illegally used, may lead to personal discrimination or serious harm to personal and property security, including information on race, ethnicity, religious beliefs, individual biometric characteristics, medical health, financial accounts, personal whereabouts and other information.

第三十条 基于个人同意处理敏感个人信息的，个人信息处理者应当取得个人的单独同意。法律、行政法规规定处理敏感个人信息应当取得书面同意的，从其规定。

Article 30 For the processing of sensitive personal information based on individual consent, the personal information processing entity shall obtain specific consent from the individual. Where the laws and administrative regulations stipulate that written consent shall be obtained for the processing of sensitive personal information, those provisions shall apply.

第三十一条 个人信息处理者处理敏感个人信息的，除本法第十八条第一款规定的事项外，还应当个人告知处理敏感个人信息的必要性以及对个人的影响。

Article 31 When processing sensitive personal information, personal information processing entities shall, in addition to the requirements specified in Article 18 Section 1 of this Law, also notify individuals of the necessity of processing sensitive personal information and the impact on individuals.

第三十二条 法律、行政法规对处理敏感个人信息规定应当取得相关行政许可或者作出其他限制的，从其规定。

Article 32 Where laws and administrative regulations stipulate that the processing of sensitive personal information shall obtain relevant administrative licenses or be subject to other restrictions, those provisions shall apply.

第三节 国家机关处理个人信息的特别规定

Section 3: Specific Provisions on the Processing of Personal Information by State Agencies

第三十三条 国家机关处理个人信息的活动,适用本法；本节有特别规定的，适用本节规定。

Article 33 This law applies to the processing of personal information by state agencies. Where this section contains specific provisions, those provisions shall apply.

第三十四条 国家机关为履行法定职责处理个人信息，应当依照法律、行政法规规定的权限、程序进行，不得超出履行法定职责所必需的范围和限度。

Article 34 State agencies processing personal information to perform their statutory duties

shall conduct the processing in accordance with the powers and procedures prescribed by laws and administrative regulations, and shall not exceed the scope and extent necessary to perform their statutory duties.

第三十五条 国家机关为履行法定职责处理个人信息，应当依照本法规定向个人告知并取得其同意；法律、行政法规规定应当保密，或者告知、取得同意将妨碍国家机关履行法定职责的除外。

Article 35 State agencies processing personal information to perform their statutory duties shall notify individuals and obtain their consent in accordance with this Law; except where the laws and administrative regulations stipulate confidentiality or where notification and obtaining consent would impede state agencies in the performance of their statutory duties.

第三十六条 国家机关处理的个人信息应当在中华人民共和国境内存储；确需向境外提供的，应当进行风险评估。风险评估可以要求有关部门提供支持协助。

Article 36 Personal information processed by state agencies shall be stored within the territory of the People's Republic of China; where it is indeed necessary to transfer it overseas, a risk assessment shall be conducted. Relevant departments may be required to provide support and assistance for the completion of risk assessments.

第三十七条 法律、法规授权的具有管理公共事务职能的组织为履行法定职责处理个人信息，适用本法关于国家机关处理个人信息的规定。

Article 37 Organizations that are responsible for managing public affairs as authorized by laws and regulations, and process personal information to fulfill legal obligations, shall comply with requirements for the processing of personal information by state agencies under this Law.

第三章 个人信息跨境提供的规则

Chapter III – Rules for the Cross-Border Provision of Personal Information

第三十八条 个人信息处理者因业务等需要，确需向中华人民共和国境外提供个人信息的，应当至少具备下列一项条件：

- (一)依照本法第四十条的规定通过国家网信部门组织的安全评估；
- (二)按照国家网信部门的规定经专业机构进行个人信息保护认证；
- (三)按照国家网信部门制定的标准合同与境外接收方订立合同，约定双方的权利和义务，并监督其个人信息处理活动达到本法规定的个人信息保护标准；
- (四)法律、行政法规或者国家网信部门规定的其他条件。

Article 38 Where a personal information processing entity needs to transfer personal

information outside the territory of the People's Republic of China for business or other requirements, at least one of the following conditions shall be satisfied:

1. Successfully pass the security assessment organized by the state cyberspace administration in accordance with Article 40 of this Law;
2. Obtain a personal information protection certification conducted by professional institutions in accordance with the regulations of the state cyberspace administration;
3. Conclude an agreement based on standard contract stipulated by state cyberspace administration with an overseas receiving party, agreeing on the rights and obligations of both parties, and ensuring the personal information processing activities of the overseas receiving party meet the standards of personal information protection stipulated in this Law;
4. Other conditions stipulated by laws, administrative regulations or the state cyberspace administration.

第三十九条 个人信息处理者向中华人民共和国境外提供个人信息的，应当向个人告知境外接收方的身份、联系方式、处理目的、处理方式、个人信息的种类以及个人向境外接收方行使本法规定权利的方式等事项，并取得个人的单独同意。

Article 39 Where a personal information processing entity transfers personal information outside the territory of the People's Republic of China, it shall notify the individual of the identity and contact information of the overseas receiving party, purpose of processing, processing method, type of personal information, and the methods for individuals to exercise their rights under this Law with the overseas receiving party and other matters; and obtain the individual's specific consent.

第四十条 关键信息基础设施运营者和处理个人信息达到国家网信部门规定数量的个人信息处理者，应当将在中华人民共和国境内收集和产生的个人信息存储在境内。确需向境外提供的，应当通过国家网信部门组织的安全评估；法律、行政法规和国家网信部门规定可以不进行安全评估的，从其规定。

Article 40 Critical information infrastructure operators and personal information processing entities who process personal information in a volume as specified by the state cyberspace administration shall store the personal information collected and generated within the territory of the People's Republic of China. If it is indeed necessary to transfer it overseas, it shall pass the security assessment organized by the state cyberspace administration; where the laws, administrative regulations, and the state cyberspace administration stipulate that the security assessment need not be performed, those provisions shall apply.

第四十一条 中华人民共和国境外的司法或者行政执法机构要求提供存储于中华人民共和国境

内的个人信息的，非经中华人民共和国主管机关批准，不得提供；中华人民共和国缔结或者参加的国际条约、协定有规定的，可以按照其规定执行。

Article 41 Where judicial or law enforcement organs outside the territory of the People's Republic of China request the provision of personal information stored within the territory of the People's Republic of China, the provision is prohibited unless such a provision has obtained an approval from competent authorities of the People's Republic of China; where international treaties or agreements concluded or participated in by the People's Republic of China have relevant provisions, it may act in accordance with those provisions.

第四十二条境外的组织、个人从事损害中华人民共和国公民的个人信息权益，或者危害中华人民共和国国家安全、公共利益的个人信息举报活动的，国家网信部门可以将其列入限制或者禁止个人信息提供清单，予以公告，并采取限制或者禁止向其提供个人信息等措施。

Article 42 Where overseas organizations or individuals engage in personal information processing activities that harm the personal information rights and interests of citizens of the People's Republic of China, or endanger the national security or public interest of the People's Republic of China, the state cyberspace administration may put them on a list restricting or prohibiting the provision of personal information, make a public announcement of this decision, and adopt measures such as restricting or prohibiting the provision of personal information to them, etc.

第四十三条任何国家和地区在个人信息保护方面对中华人民共和国采取歧视性的禁止、限制或者其他类似措施的，中华人民共和国可以根据实际情况对该国家或者该地区采取对等措施。

Article 43 Where any country or region adopts discriminatory prohibitions, restrictions or other similar measures against the People's Republic of China in the area of personal information protection, the People's Republic of China may adopt reciprocal measures against the country or region based on actual conditions.

第四章 个人在个人信息处理活动中的权利

Chapter IV – Individuals' Rights in Personal Information Processing Activities

第四十四条 个人对其个人信息的处理享有知情权、决定权，有权限制或者拒绝他人对其个人信息进行处理；法律、行政法规另有规定的除外。

Article 44 Individuals have the right to know and make decisions about the processing of their personal information, and the right to restrict or refuse the processing of their personal information by others; except where the laws and administrative regulations stipulate otherwise.

第四十五条 个人有权向个人信息处理者查阅、复制其个人信息；有本法第十九条第一款规定情形的除外。个人请求查阅、复制其个人信息的，个人信息处理者应当及时提供。

Article 45 Individuals have the right of access to their personal information and may request a

copy from personal information processing entities, except in the circumstances stipulated in Article 19, Paragraph 1 of this Law. Where an individual requests to access or a copy of their personal information, the personal information processing entity shall provide it in a timely manner.

第四十六条 个人发现其个人信息不准确或者不完整的，有权请求个人信息处理者更正、补充。个人请求更正、补充其个人信息的，个人信息处理者应当对其个人信息予以核实，并及时更正、补充。

Article 46 Where individuals discover that their personal information is inaccurate or incomplete, they have the right to request the personal information processing entity to correct or supplement their personal information.

Where individuals request to correct or supplement their personal information, the personal information processing entity shall verify the personal information and correct or supplement their personal information in a timely manner.

第四十七条 有下列情形之一的，个人信息处理者应当主动删除个人信息；个人信息处理者未删除的，个人有权请求删除：

- (一)处理目的已实现或者为实现处理目的不再必要；
- (二)个人信息处理者停止提供产品或者服务，或者保存期限已届满；
- (三)个人撤回同意；
- (四)个人信息处理者违反法律、行政法规或者违反约定处理个人信息；
- (五)法律、行政法规规定的其他情形。

法律、行政法规规定的保存期限未届满，或者删除个人信息从技术上难以实现的，个人信息处理者应当停止除存储和采取必要的安全保护措施之外的处理。

Article 47 Personal information processing entities shall, actively delete personal information; if personal information processing entities fail to delete, individuals have right to request deletion where one of the following circumstances occurs:

1. The purpose of processing has been achieved or it is no longer necessary to achieve the purpose of processing;
2. The personal information processing entities cease the provision of products or services or the retention period ends;
3. The individual withdraws their consent;
4. The personal information processing entities violate the laws, administrative regulations or violates the agreement to process personal information;
5. Other circumstances stipulated by the laws and administrative regulations.

Where the retention period specified by the laws and administrative regulations has not expired, or the deletion of personal information is technically difficult to realize, the personal information

processing entities shall cease the processing except for the retention purpose and necessary safety protection measures have been adopted.

第四十八条 个人有权要求个人信息处理者对其个人信息处理规则进行解释说明。

Article 48 Individuals have the right to request personal information processing entities to explain their rules for the processing of personal information.

第四十九条 自然人死亡的,本章规定的个人在个人信息处理活动中的权利,由其近亲属行使。

Article 49 Where natural persons are dead, their rights in personal information processing activities provided for in this Chapter shall be exercised by their close relatives.

第五十条 个人信息处理者应当建立个人行使权利的申请受理和处理机制。拒绝个人行使权利的请求的,应当说明理由。

Article 50 Personal information processing entities shall establish a mechanism to accept and process requests from individuals to exercise their rights. Where they reject individuals' requests to exercise their rights, the reasons shall be explained.

第五章 个人信息处理者的义务

Chapter V – Obligations of Personal Information Processing Entities

第五十一条 个人信息处理者应当根据个人信息的处理目的、处理方式、个人信息的种类以及对个人的影响、可能存在的安全风险等,采取必要措施确保个人信息处理活动符合法律、行政法规的规定,并防止未经授权的访问以及个人信息泄露或者被窃取、篡改、删除:

- (一)制定内部管理制度和操作规程;
- (二)对个人信息实行分类管理;
- (三)采取相应的加密、去标识化等安全技术措施;
- (四)合理确定个人信息处理的操作权限,并定期对从业人员进行安全教育和培训;
- (五)制定并组织实施个人信息安全事件应急预案;
- (六)法律、行政法规规定的其他措施。

Article 51 Personal information processing entities shall, based on the purpose of processing, processing method, type of personal information, impact on individuals, possible security risks, etc., take necessary measures to ensure that the personal information processing activities comply with the laws and administrative regulations, and prevent unauthorized access and personal information leakage, as well as theft, distortion, or deletion. Such measures shall include:

1. Formulating internal management systems and operating procedures;
2. Implementing the categorized management of personal information;
3. Adopting corresponding technical security measures such as encryption, de-identification, etc.;

4. Reasonably determining the operation authorizations of the persons for processing personal information, and regularly providing security education and training to persons processing personal information;
5. Formulating and organizing the implementation of contingency plans for personal information security incidents;
6. Other measures stipulated by the laws and administrative regulations.

第五十二条 处理个人信息达到国家网信部门规定数量的个人信息处理者应当指定个人信息保护负责人，负责对个人信息处理活动以及采取的保护措施等进行监督。

个人信息处理者应当公开个人信息保护负责人的联系方式，并将个人信息保护负责人的姓名、联系方式等报送履行个人信息保护职责的部门。

Article 52 Personal information processing entities who process personal information in a volume as specified by the state cybersecurity administration shall designate a personal information protection officer responsible for supervising personal information processing activities and protective measures adopted, etc.

The personal information processing entity shall disclose the contact information of the personal information protection officer, and submit the name and contact information of the personal information protection officer to the departments performing personal information protection duties.

第五十三条 本法第三条第二款规定的中华人民共和国境外的个人信息处理者，应当在中华人民共和国境内设立专门机构或者指定代表，负责处理个人信息保护相关事务，并将有关机构的名称或者代表的姓名、联系方式等报送履行个人信息保护职责的部门。

Article 53 Personal information processing entities outside the territory of the People's Republic of China as specified in Article 3, Paragraph 2 of this Law shall establish a dedicated office or appoint a designated representative in the territory of the People's Republic of China, to be responsible for processing matters related to the protection of personal information; and shall report the name of the relevant entity or the name and contact information, etc. of the representative to the departments performing personal information protection duties.

第五十四条 个人信息处理者应当定期对其个人信息处理活动遵守法律、行政法规的情况进行合规审计。

Article 54 Personal information processing entities shall regularly conduct audits whether their personal information processing activities are in compliance the laws and administrative regulations.

第五十五条 个人信息处理者应当对下列个人信息处理活动在事前进行风险评估，并对处理情

况进行记录:

- (一)处理敏感个人信息;
- (二)利用个人信息进行自动化决策;
- (三)委托处理个人信息、向他人提供个人信息、公开个人信息; (四)向境外提供个人信息;
- (五)其他对个人有重大影响的个人信息处理活动。

风险评估的内容应当包括:

- (一)个人信息的处理目的、处理方式等是否合法、正当、必要;
- (二)对个人的影响及风险程度;
- (三)所采取的安全保护措施是否合法、有效并与风险程度相适应。风险评估报告和处理情况记录应当至少保存三年。

Article 55 Personal information processing entities shall conduct prior risk assessments of the following personal information processing activities and keep records of their processing activities, in particular when they are:

1. Processing sensitive personal information;
2. Using personal information to conduct automated decision-making;
3. Entrusting the processing of personal information, providing personal information to others, and disclosing personal information;
4. Transferring personal information overseas;

Other personal information processing activities with a significant impact on individuals.

The content of the risk assessment shall include:

1. Whether the purpose of processing, processing method, etc. of personal information are lawful, proper and necessary;
2. The impact on individuals and the degree of risk;
3. Whether the security protection measures adopted are lawful, effective and compatible with the degree of risk.

The risk assessment report and records of processing activities shall be preserved for at least three years.

第五十六条 个人信息处理者发现个人信息泄露的，应当立即采取补救措施，并通知履行个人信息保护职责的部门和个人。

通知应当包括下列事项:

- (一)个人信息泄露的原因;
- (二)泄露的个人信息种类和可能造成的危害;
- (三)已采取的补救措施;

(四)个人可以采取的减轻危害的措施;

(五)个人信息处理者的联系方式。

个人信息处理者采取措施能够有效避免信息泄露造成损害的，个人信息处理者可以不通知个人；但是，履行个人信息保护职责的部门认为个人信息泄露可能对个人造成损害的，有权要求个人信息处理者通知个人。

Article 56 Where personal information processing entities discover a personal information leakage, they shall immediately adopt remedial measures and notify the departments and individuals performing personal information protection duties.

The notification shall include the following information:

1. The cause of the personal information leakage;
2. The type of leaked personal information and the possible damage;
3. Adopted remedial measures;
4. Measures that individuals may adopt to mitigate harm;
5. Contact information of the personal information processing entity.

Where the personal information processing entities adopt measures that can effectively avoid the damage caused by the information leakage, the personal information processing entities are may choose not to notify individuals. However, where the departments performing the duties of personal information protection believe that the personal information leakage may cause damage to individuals, it may require personal information processing entities to notify individuals.

第五十七条 提供基础性互联网平台服务、用户数量巨大、业务类型复杂的个人信息处理者,应当履行下列义务:

- (一) 成立主要由外部成员组成的独立机构,对个人信息处理活动进行监督;
- (二) 对严重违反法律、行政法规处理个人信息的平台内的产品或者服务提供者,停止提供服务;
- (三) 定期发布个人信息保护社会责任报告,接受社会监督。

Article 57 Personal information processing entities providing basic Internet platform services that have a massive number of users and operate complex types of businesses shall fulfill the following obligations:

1. Establish an independent supervising body largely comprised of external personnel to supervise the personal information processing activities;
2. Cease to provide services to products or services providers operated on the platform if they seriously violate personal information processing requirements under laws and administrative regulations; and
3. Publish personal information responsibility reports on a regular basis and receive supervision from the public.

第五十八条 接受委托处理个人信息的受托方,应当履行本章规定的相关义务,采取必要措施保障所处理的个人信息的安全。

Article 58 Parties entrusted to process personal information shall perform relevant obligations provided for in this Chapter, and adopt necessary measures to ensure the security of the personal information processed by them.

第六章 履行个人信息保护职责的部门

Chapter VI – Departments Performing Personal Information Protection Duties

第五十九条 国家网信部门负责统筹协调个人信息保护工作和相关监督管理工作。国务院有关部门依照本法和有关法律、行政法规的规定,在各自职责范围内负责个人信息保护和监督管理工作。

县级以上地方人民政府有关部门的个人信息保护和监督管理职责,按照国家有关规定确定。前两款规定的部门统称为履行个人信息保护职责的部门。

Article 59 The State Cyberspace Administration is responsible for the overall planning and coordination of personal information protection and related supervision and management. The relevant departments of the State Council are responsible for personal information protection, supervision and management within their respective scope of duties in accordance with the provisions of this Law and relevant laws and administrative regulations. The personal information protection, supervision and management duties of relevant departments of the People's Governments at or above the county level are determined in accordance with relevant state regulations.

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

第六十条 履行个人信息保护职责的部门履行下列个人信息保护职责:

- (一)开展个人信息保护宣传教育,指导、监督个人信息处理者开展个人信息保护工作;
- (二)接受、处理与个人信息保护有关的投诉、举报;
- (三)调查、处理违法个人信息处理活动;
- (四)法律、行政法规规定的其他职责。

Article 60 Departments performing personal information protection duties perform the following personal information protection duties:

1. Conducting personal information protection awareness-raising and educational activities, and guiding and supervising the personal information protection work carried out by personal information processing entities;

2. Accepting and processing personal information protection-related complaints and reports;
3. Investigating and processing illegal personal information processing activities;
4. Other duties stipulated by the laws and administrative regulations.

第六十一条 国家网信部门统筹协调有关部门依据本法推进下列个人信息保护工作：

- (一) 制定个人信息保护具体规则、标准；
- (二) 针对敏感个人信息以及人脸识别、人工智能等新技术、新应用，制定专门的个人信息保护规则、标准；
- (三) 支持研究开发安全、方便的电子身份认证技术；
- (四) 推进个人信息保护社会化服务体系建设，支持有关机构开展个人信息保护评估、认证服务。

Article 61 The State Cyberspace Administration is responsible for coordinating relevant departments to implement the following personal information protection work according to this Law:

1. Formulate specific rules and standards for the protection of personal information;
2. Formulate specialized rules and standards for the protection of personal information in regards to sensitive personal information, as well as new technologies and applications such as facial recognition and artificial intelligence;
3. Support the research and development of secure and convenient electronic identity identification technologies;
4. Promote the construction of a socialized personal information protection service system, and support relevant agencies in conducting personal information protection assessments and certification services.

第六十二条 履行个人信息保护职责的部门履行个人信息保护职责，可以采取下列措施：

- (一) 询问有关当事人，调查与个人信息处理活动有关的情况；
- (二) 查阅、复制当事人与个人信息处理活动有关的合同、记录、账簿以及其他有关资料；
- (三) 实施现场检查，对涉嫌违法个人信息处理活动进行调查；
- (四) 检查与个人信息处理活动有关的设备、物品；对有证据证明是违法个人信息处理活动的设备、物品，向本部门主要负责人书面报告并经批准，可以查封或者扣押。

履行个人信息保护职责的部门依法履行职责，当事人应当予以协助、配合，不得拒绝、阻挠。

Article 62 Departments performing personal information protection duties may adopt the following measures when performing their duties:

1. Interview relevant parties and investigate circumstances related to personal information processing activities;

2. Consult and obtain copies of the contracts, records, account books and other relevant materials of the party concerned related to their personal information processing activities;
3. Conduct on-site inspections and investigate suspected illegal personal information processing activities;
4. Inspect devices and items related to personal information processing activities; seal and confiscate equipment and items related to personal information processing activities where there is evidence to prove they are illegal after submitting written report to and receiving approval from the primary person in charge of the departments.

Where departments performing personal information protection duties perform their duties in accordance with the law, the parties concerned shall provide assistance and cooperation, and shall not refuse to cooperate or otherwise impede them.

第六十三条 履行个人信息保护职责的部门在履行职责中，发现个人信息处理活动存在较大风险或者发生个人信息安全事件的，可以按照规定的权限和程序对该个人信息处理者的法定代表人或者主要负责人进行约谈，或者要求个人信息处理者委托专业机构对其个人信息处理活动进行合规审计。个人信息处理者应当按照要求采取措施，进行整改，消除隐患。

Article 63 Where departments performing personal information protection duties, in the course of performing their duties, discover relatively high risk exists resulting from personal information processing activities, or observe that personal information security incidents occur, they may interview the personal information processing entity's legal representative or main responsible persons in accordance with their prescribed powers and procedures. They may also request personal information processing entities to engage professional institutions to conduct compliance audit regarding their personal information processing activities. Personal information processing entities shall adopt measures in accordance with the requirements to correct and eliminate the risk.

第六十四条 任何组织、个人有权对违法个人信息处理活动向履行个人信息保护职责的部门进行投诉、举报。收到投诉、举报的部门应当依法及时处理，并将处理结果告知投诉、举报人。履行个人信息保护职责的部门应当公布接受投诉、举报的联系方式。

Article 64 Any organization or individual has the right to complain or report to the departments performing personal information protection duties about illegal personal information processing activities. The departments receiving complaints or reports shall process them in a timely manner in accordance with the law, and notify the complainant or reporter of the processing results. Departments performing personal information protection duties shall publish the contact information for in-taking complaints and reports.

第七章 法律责任 Chapter VII – Legal Liability

第六十五条 违反本法规定处理个人信息，或者处理个人信息未按照规定采取必要的安全保护措施的，由履行个人信息保护职责的部门责令改正，给予警告，没收违法所得；拒不改正的，并处一百万元以下罚款；对直接负责的主管人员和其他直接责任人员处一万元以上十万元以下罚款。

有前款规定的违法行为，情节严重的，由履行个人信息保护职责的部门责令改正，没收违法所得，并处五千万元以下或者上一年度营业额百分之五以下罚款，并可以责令暂停相关业务、停业整顿、通报有关主管部门吊销相关业务许可或者吊销营业执照；对直接负责的主管人员和其他直接责任人员处十万元以上一百万元以下罚款。

Article 65 Where personal information is processed in violation of the provisions of this Law, or the personal information is processed without adopting necessary security protection measures in accordance with the provisions, the departments performing personal information protection duties shall order corrections, issue warnings, and confiscate illegal incomes; for those who refuse to make corrections, impose a fine of not more than one million yuan additionally. The directly responsible person in charge and other directly responsible persons shall be subject to a fine of not less than 10,000 yuan but not more than 100,000 yuan.

Where there are illegal acts as prescribed in the preceding paragraph and the circumstances are serious, the department performing personal information protection duties shall order corrections, confiscate illegal incomes, and impose a fine of not more than 50 million yuan or 5% of the annual revenue for the prior year. They may also order the suspension of relevant business activities, cessation of business for rectification, and report to the relevant competent department for cancellation of corresponding professional licenses or business permits. The directly responsible persons in charge and other directly responsible persons shall be subject to a fine of not less than 100,000 yuan but not more than 1 million yuan.

第六十六条 有本法规定的违法行为的，依照有关法律、行政法规的规定记入信用档案，并予以公示。

Article 66 Where there is an illegal act as prescribed by this Law, it shall be recorded in the credit files in accordance with relevant laws and administrative regulations and be published.

第六十七条 国家机关不履行本法规定的个人信息保护义务的，由其上级机关或者履行个人信息保护职责的部门责令改正；对直接负责的主管人员和其他直接责任人员依法给予处分。

Article 67 Where state agencies fail to perform the personal information protection duties as stipulated in this Law, their superior agencies or the departments performing personal information protection duties shall order corrections, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the law.

第六十八条 个人信息权益因个人信息处理活动受到侵害，个人信息处理者不能证明自己没有过错的，应当承担损害赔偿等侵权责任。

前款规定的损害赔偿责任按照个人因此受到的损失或者个人信息处理者因此获得的利益确定；个人因此受到的损失和个人信息处理者因此获得的利益难以确定的，根据实际情况确定赔偿数额。

Article 68 Where rights and interests of personal information are infringed by personal information processing activities, and the personal information processing entity is not able to prove that it is not at fault, the personal information processing entity shall be liable for tort damages.

The liability mentioned in the preceding paragraph is based on, the losses suffered by the individual or the benefits obtained by the personal information processing entity. Where it is difficult to determine the losses suffered by the individual or the benefits obtained by the personal information processing entity, the amount of compensation shall be decided based on the actual situation.

第六十九条 个人信息处理者违反本法规定处理个人信息，侵害众多个人的权益的，人民检察院、履行个人信息保护职责的部门和国家网信部门确定的组织可以依法向人民法院提起诉讼。

Article 69 Where personal information processing entities process personal information in violation of the provisions of this Law and infringe on the rights and interests of a large number of individuals, the People's Procuratorate, the departments performing personal information protection duties, and the organization determined by the state cybersecurity administration may file a lawsuit in the People's Court in accordance with the law.

第七十条 违反本法规定，构成违反治安管理行为的，依法给予治安管理处罚；构成犯罪的，依法追究刑事责任。

Article 70 Where a violation of the provisions of this Law constitutes a violation of the administration of public security, administrative penalties for public security shall be imposed in accordance with the law; where it constitutes a crime, criminal liability shall be investigated in accordance with the law.

第八章 附则

Chapter VIII – Supplementary Provisions

第七十一条 自然人因个人或者家庭事务处理个人信息的，不适用本法。
法律对各级人民政府及其有关部门组织实施的统计、档案管理活动中的个人信息处理有规定的，适用其规定。

Article 71 This law does not apply where natural persons process personal information for

personal or household affairs.

Where the law contains provisions on the processing of personal information in statistics and archives management activities organized and implemented by the People's Governments and their relevant departments at all levels, those provisions shall apply.

第七十二条本法下列用语的含义:

(一)个人信息处理者，是指自主决定处理目的、处理方式等个人信息处理事项的组织、个人。

(二)自动化决策，是指利用个人信息对个人的行为习惯、兴趣爱好或者经济、健康、信用状况等，通过计算机程序自动分析、评估并进行决策的活动。

(三)去标识化，是指个人信息经过处理，使其在不借助额外信息的情况下无法识别特定自然人的过程。

(四)匿名化，是指个人信息经过处理无法识别特定自然人且不能复原的过程。

Article 72 The following terms in this Law are defined as follows:

1. "Personal information processing entity" refers to organizations and individuals that independently determine the purposes and means for processing of personal information and other personal information processing matters.
2. "Automated decision-making" refers to activities that use personal information to automatically analyze, evaluate and make decisions on, via computer programs, personal behaviors and habits, interests and hobbies, or situations relating to finance, health and credit status, etc.
3. "De-identification" refers to the process in which it is impossible to identify specific natural persons without support of additional information after processing the personal information.
4. "Anonymization" refers to the process by which personal information cannot be used to identify specific natural persons and the personal information cannot be restored after processing.

第七十三条 本法自 年 月 日起施行。

Article 73 This Law shall come into force on [day, month, year].