

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

## 中华人民共和国个人信息保护法

Order of the President of the People's Republic of China

中华人民共和国主席令

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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 of the People's Republic of China on August 20, 2021, is hereby issued, and shall come into force on November 1, 2021.

《中华人民共和国个人信息保护法》已由中华人民共和国第十三届全国人民代表大会常务委员会第三十次会议于2021年8月20日通过，现予公布，自2021年11月1日起施行。

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

中华人民共和国主席 习近平

August 20, 2021

2021年8月20日

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

(2021年8月20日第十三届全国人民代表大会常务委员会第三十次会议通过)

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Chapter I General Provisions

第一章 总 则

**Article 1** This Law is enacted in accordance with the [Constitution](#) for the purposes of protecting rights and interests relating to personal information, regulating personal information processing activities, and promoting the reasonable use of personal information.

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

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

This Law shall also apply to the processing outside the territory of the People's Republic of China of the personal information of natural persons located within the territory of the People's Republic of China if the information is processed:

- (1) for the purpose of providing products or services to natural persons located within China;
- (2) to analyze or assess the conduct of natural persons located within China; or
- (3) under any other circumstance as provided by any law or administrative regulation.

**Article 4** "Personal information" means all kinds of information related to identified or identifiable natural persons that are electronically or otherwise recorded, excluding information that has been anonymized.

Personal information processing includes, but is not limited to, the collection, storage, use, processing, transmission, provision, disclosure, and deletion of personal information.

**Article 5** Personal information shall be processed under the principles of lawfulness, legitimacy, necessity and good faith, and shall not be processed in a way that is misleading, fraudulent or coercive.

**Article 6** Personal information processing shall be for a clear and reasonable purpose, directly related to the processing purpose and in a manner that has the minimum impact on the rights and interests of individuals.

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

**Article 7** Personal information shall be processed under the principles of openness and transparency, with the rules of processing of personal information disclosed, and the purposes, methods, and scope of processing expressly stated.

**Article 8** The quality of personal information shall be guaranteed in the processing of personal information to avoid adverse impacts on the rights and interests of individuals due to inaccuracy or incompleteness of the personal information.

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

**Article 10** No organization or individual may illegally collect, use, process, or transmit the personal information of another person or illegally buy or sell, provide, or disclose the personal information of another person; or engage in personal information processing activities compromising national security or public interests.

**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，根据**宪法**，制定本法。

**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。

**第三条** 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。

**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、删除等。

**第五条** 处理个人信息应当遵循合法、正当、必要和诚信原则，不得通过误导、欺诈、胁迫等方式处理个人信息。

**第六条** 处理个人信息应当具有明确、合理的目的，并应当与处理目的直接相关，采取对个人权益影响最小的方式。

收集个人信息，应当限于实现处理目的的最小范围，不得过度收集个人信息。

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

**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。

**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。

**第十条** 任何组织、个人不得非法收集、使用、加工、传输他人个人信息，不得非法买卖、提供或者公开他人个人信息；不得从事危害国家安全、公共利益的个人信息处理活动。

**Article 11** The state shall establish and improve the personal information protection system to prevent and punish infringements of rights and interests relating to personal information, strengthen publicity and education on personal information protection, and promote the creation of a favorable environment for the government, enterprises, relevant social organizations, and the public to jointly participate in personal information protection.

**Article 12** The state shall vigorously participate in the development of international rules of personal information protection, boost international exchange and cooperation in terms of personal information protection, and promote the mutual recognition of personal information protection rules and standards with other countries, regions, and international organizations.

## Chapter II Personal Information Processing Rules

### Section 1 General Rules

**Article 13** A personal information processor may not process personal information unless:

- (1) the individual's consent has been obtained;
- (2) the processing is necessary for the conclusion or performance of a contract to which the individual is a contracting party or for conducting human resource management under the labor rules and regulations developed in accordance with the law and a collective contract signed in accordance with the law;
- (3) the processing is necessary to fulfill statutory functions or statutory obligations;
- (4) the processing is necessary to respond to public health emergencies or protect the life, health or property safety of natural persons under emergency circumstances;
- (5) personal information is processed within a reasonable scope to conduct news reporting, public opinion-based supervision, or other activities in the public interest;
- (6) the personal information that has been disclosed by the individuals themselves or other personal information that has been legally disclosed is processed within a reasonable scope in accordance with this Law; or
- (7) under any other circumstance as provided by any law or administrative regulation.

In accordance with other relevant provisions of this Law, an individual's consent shall be obtained for processing his or her personal information, except under the circumstances specified in subparagraphs (2) to (7) of the preceding paragraph.

**Article 14** Where personal information is processed based on an individual's consent, such consent shall be voluntarily and explicitly given by the individual on a fully informed basis. Where any law or administrative regulation provides that the individual's separate consent or written consent shall be obtained for processing personal information, such provision shall prevail.

In the case of any change of the purpose or method of processing of personal information, or the category of personal information to be processed, the individual's consent shall be obtained anew.

**Article 15** Where personal information is processed based on an individual's consent, the individual shall have the right to withdraw his or her consent. The personal information processor shall provide a convenient way to withdraw the consent.

The individual's withdrawal of his or her consent does not affect the effectiveness of personal information processing activities that have been conducted based on his or her consent before the withdrawal of such consent.

**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、相关社会组织、公众共同参与个人信息保护的良好环境。

**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、标准等互认。

## 第二章 个人信息处理规则

### 第一节 一般规定

**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、履行个人作为一方当事人的合同所必需，或者按照依法制定的劳动规章制度和依法签订的集体合同实施人力资源管理所必需；
- (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) 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；
- (六) 依照本法规定在合理的范围内处理个人自行公开或者其他已经合法公开的个人信息；
- (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，但是有前款第二项至第七项规定情形的，不需取得个人同意。

**第十四条** 基于个人同意处理个人信息的，该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。

**第十五条** 基于个人同意处理个人信息的，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** A personal information processor shall not refuse to provide products or services on the ground that the relevant individual does not consent to the processing of his or her personal information or withdraws consent, except that the processing of personal information is necessary for the provision of products or services.

**Article 17** A personal information processor shall, before processing personal information, truthfully, accurately and completely notify individuals of the following matters in a conspicuous way and in clear and easily understood language:

- (1) The name and contact information of the personal information processor.
- (2) Purposes and methods of processing of personal information, categories of personal information to be processed, and the retention periods.
- (3) Methods and procedures for individuals to exercise the rights provided in this Law.
- (4) Other matters that should be notified as provided by laws and administrative regulations.

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

Where the personal information processor notifies the matters as set forth in paragraph 1 in the manner of developing personal information processing rules, the processing rules shall be disclosed and easy to consult and preserve.

**Article 18** Personal information processors processing personal information are not required to notify individuals of the matters as set forth in paragraph 1 of the preceding article if there are circumstances in which laws or administrative regulations provide that such processing shall be kept confidential or notification is not necessary.

Where it is impossible to notify individuals in a timely manner for the protection of the life, health and property safety of natural persons under emergency circumstances, personal information processors shall notify them in a timely manner after the elimination of the emergency circumstances.

**Article 19** A retention period of personal information shall be the shortest time necessary to achieve the processing purpose, except as otherwise provided by any law or administrative regulation.

**Article 20** Where two or more personal information processors jointly decide on the purposes and methods of processing of personal information, they shall agree on their respective rights and obligations. However, such agreement does not affect an individual's request to any of the said personal information processors for exercising his or her rights as provided in this Law.

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

**Article 21** A personal information processor commissioning the processing of personal information shall agree with the commissioned party on the purposes and period of the commissioned processing, processing methods, categories of personal information, protection measures, as well as the rights and obligations of both parties, among others, and oversee the personal information processing activities of the commissioned party.

**第十六条** 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。

**第十七条** 个人信息处理者在处理个人信息前，应当以显著方式、清晰易懂的语言真实、准确、完整地向个人告知下列事项：

- (一) 个人信息处理者的名称或者姓名和联系方式；
- (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。

**第十八条** 个人信息处理者处理个人信息，有法律、行政法规规定应当保密或者不需要告知的情形的，可以不向个人告知前条第一款规定的事项。

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。

**第十九条** 除法律、行政法规另有规定外，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。

**第二十条** 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，侵害个人合法权益造成损害的，应当依法承担连带责任。

**第二十一条** 个人信息处理者委托处理个人信息的，应当与受托人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，并对受托人的个人信息处理活动进行监督。

The commissioned party shall process personal information as agreed, and shall not process personal information beyond the agreed purposes or methods of processing, among others. Where the commission contract has not taken effect or is null and void, revoked, or rescinded, the commissioned party shall return personal information to the personal information processor or delete it, and shall not retain such information.

Without the consent of the personal information processor, the commissioned party shall not commission the commissioned processing of personal information.

**Article 22** Where a personal information processor needs to transfer personal information due to combination, division, dissolution or declaration of bankruptcy, among others, it or he shall notify individuals of the name and contact information of the recipient. The recipient shall continue to perform the obligations of the personal information processor. If the recipient changes the original purposes or methods of processing, it or he shall obtain the individuals' consent anew in accordance with this Law.

**Article 23** A personal information processor that provides any other personal information processor with the personal information it or he processes shall notify individuals of the recipient's name, contact information, purposes and methods of processing, and categories of personal information, and obtain the individuals' separate consent. The recipient shall process personal information within the scope of the aforementioned purposes and methods of processing, and categories of personal information, among others. Where the recipient changes the original purposes or methods of processing, it or he shall obtain individuals' consent anew in accordance with this Law.

**Article 24** Where a personal information processor conducts automated decision-making by using personal information, it or he shall ensure the transparency of the decision-making and the fairness and impartiality of the result, and shall not give unreasonable differential treatment to individuals in terms of trading price or other trading conditions.

Where information push or commercial marketing to individuals is conducted by means of automated decision-making, options not specific to individuals' characteristics shall be provided simultaneously, or convenient ways to refuse shall be provided to individuals.

Where a decision that has a major impact on an individual's rights and interests is made by means of automated decision-making, the individual shall have the right to request the personal information processor to make explanations and to refuse to accept that the personal information processor makes decisions solely by means of automated decision-making.

**Article 25** Personal information processors shall not disclose the personal information processed, except with the separate consent of the individuals.

**Article 26** The installation of image collection or personal identification equipment in public places shall be necessary for maintaining public security and comply with relevant provisions issued by the state, and conspicuous signs shall be erected. The collected personal images and identification information can only be used for the purpose of maintaining public security, and shall not be used for other purposes, except with the separate consent of individuals.

**Article 27** A personal information processor may process within a reasonable scope the personal information that has been disclosed by an individual himself or herself or other personal information that has been legally disclosed, except that the individual has expressly refused. A personal information processor shall obtain consent from an individual in accordance with the provisions of this Law if the processing of the disclosed personal information of the individual has a major impact on the individual's rights and interests.

## Section 2 Rules of Processing of Sensitive Personal Information

受托人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，受托人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，受托人不得转委托他人处理个人信息。

**第二十二條** 个人信息处理者因合并、分立、解散、被宣告破产等原因需要转移个人信息的，应当向个人告知接收方的名称或者姓名和联系方式。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、处理方式的，应当依照本法规定重新取得个人同意。

**第二十三條** 个人信息处理者向其他个人信息处理者提供其处理的个人信息的，应当向个人告知接收方的名称或者姓名、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。

**第二十四條** 个人信息处理者利用个人信息进行自动化决策，应当保证决策的透明度和结果公平、公正，不得对个人在交易价格等交易条件上实行不合理的差别待遇。

通过自动化决策方式向个人进行信息推送、商业营销，应当同时提供不针对其个人特征的选项，或者向个人提供便捷的拒绝方式。

通过自动化决策方式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。

**第二十五條** 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。

**第二十六條** 在公共场所安装图像采集、个人身份识别设备，应当为维护公共安全所必需，遵守国家有关规定，并设置显著的提示标识。所收集的个人图像、身份识别信息只能用于维护公共安全的目的，不得用于其他目的；取得个人单独同意的除外。

**第二十七條** 个人信息处理者可以在合理的范围内处理个人自行公开或者其他已经合法公开的个人信息的；个人明确拒绝的除外。个人信息处理者处理已公开的个人信息的，对个人权益有重大影响的，应当依照本法规定取得个人同意。

### 第二节 敏感个人信息的处理规则

**Article 28** “Sensitive personal information” means the personal information of which the leakage or illegal use could easily lead to the violation of the personal dignity of a natural person or harm to personal or property safety, including information on biometric identification, religious beliefs, specific identity, health care, financial accounts, and personal whereabouts, and personal information of minors under the age of fourteen.

Personal information processors may not process sensitive personal information unless there are specific purposes and sufficient necessity and strict protection measures are taken.

**Article 29** An individual's separate consent shall be obtained for processing his or her sensitive personal information. Where any law or administrative regulation provides that written consent shall be obtained for processing sensitive personal information, such provision shall prevail.

**Article 30** To process sensitive personal information, personal information processors shall, in addition to the matters specified in paragraph 1 of Article 17 of this Law, notify individuals of the necessity of the processing of sensitive personal information and the impacts on individuals' rights and interests, except that it is not required by this Law to so notify.

**Article 31** Where a personal information processor processes the personal information of a minor under the age of fourteen, it or he shall obtain the consent of the minor's parents or other guardians.

A personal information processor that processes the personal information of a minor under the age of fourteen shall develop special personal information processing rules.

**Article 32** Where any law or administrative regulation provides that the processing of sensitive person information shall be subject to relevant administrative licensing or other restrictions, such provision shall prevail.

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

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

**Article 34** The processing of personal information by state organs to fulfill their statutory functions shall be carried out in accordance with the authority and procedures provided in laws and administrative regulations, and shall not exceed the scope and limits necessary for the fulfillment of their statutory functions.

**Article 35** State organs processing personal information to fulfill their statutory functions shall fulfill the obligation of notification in accordance with the provisions of this Law, except that there is any circumstance as prescribed in paragraph 1 of Article 18 of this Law or notification will hinder state organs' fulfillment 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; and where it is necessary to provide such information to an overseas recipient, security assessment shall be conducted. Relevant departments may be required to provide support and assistance for security assessment.

**Article 37** Where organizations that are authorized by laws and regulations to exercise the power of administering public affairs process personal information to fulfill their statutory functions, the provisions of this Law on the processing of personal information by state organs shall apply.

### Chapter III Rules of Cross-Border Provision of Personal Information

**第二十八条** 敏感个人信息是一旦泄露或者非法使用，容易导致自然人的人格尊严受到侵害或者人身、财产安全受到危害的个人信息，包括生物识别、宗教信仰、特定身份、医疗健康、金融账户、行踪轨迹等信息，以及不满十四周岁未成年人的个人信息。

只有在具有特定的目的和充分的必要性，并采取严格保护措施的情形下，个人信息处理者方可处理敏感个人信息。

**第二十九条** 处理敏感个人信息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。

**第三十条** 个人信息处理者处理敏感个人信息的，除本法第十七条第一款规定的事项外，还应当当个人告知处理敏感个人信息的必要性以及对个人权益的影响；依照本法规定可以不向个人告知的除外。

**第三十一条** 个人信息处理者处理不满十四周岁未成年人个人信息的，应当取得未成年人的父母或者其他监护人的同意。

个人信息处理者处理不满十四周岁未成年人个人信息的，应当制定专门的个人信息处理规则。

**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。

### 第三节 国家机关处理个人信息的特别规定

**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。

**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。

**第三十五条** 国家机关为履行法定职责处理个人信息，应当依照本法规定履行告知义务；有本法第十八条第一款规定的情形，或者告知将妨碍国家机关履行法定职责的除外。

**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，应当进行安全评估。安全评估可以要求有关部门提供支持协助。

**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。

### 第三章 个人信息跨境提供的规则

**Article 38** Where a personal information processor truly needs to provide personal information to any party outside the territory of the People's Republic of China for business or other needs, it or he shall meet any of the following conditions:

(1) It or he has passed the security assessment organized by the national cyberspace administration in accordance with Article 40 of this Law.

(2) It or he has been subject to the personal information protection certification by a specialized institution in accordance with the provisions issued by the national cyberspace administration.

(3) It or he has entered into a contract with the overseas recipient in accordance with the model contract developed by the national cyberspace administration, agreeing on both parties' rights and obligations.

(4) It or he meets other conditions provided in laws or administrative regulations or by the national cyberspace administration.

Where any international treaty or agreement concluded or acceded to by the People's Republic of China provides for the conditions on the provision of personal information to any party outside the territory of the People's Republic of China, such provisions may apply.

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

**Article 39** Where a personal information processor provides personal information to any party outside the territory of the People's Republic of China, it or he shall notify individuals of the overseas recipient's name and contact information, purposes and methods of processing, categories of personal information, the methods and procedures for individuals' exercise of the rights provided in this Law over the overseas recipient, and other matters, and obtain individuals' separate consent.

**Article 40** Critical information infrastructure operators and the personal information processors that process the personal information reaching the threshold specified by the national cyberspace administration in terms of quantity shall store domestically the personal information collected and generated within the territory of the People's Republic of China. Where it is truly necessary to provide the information to an overseas recipient, the security assessment organized by the national cyberspace administration shall be passed. Where laws, administrative regulations, or provisions issued by the national cyberspace administration provide that security assessment is not required, such provisions shall prevail.

**Article 41** The competent authority of the People's Republic of China shall process a request for personal information stored within the territory of the People's Republic of China from a foreign judicial or law enforcement authority in accordance with applicable laws and international treaties and agreements concluded or acceded to by the People's Republic of China, or under the principle of equality and reciprocity. Without the approval of the competent authority of the People's Republic of China, a personal information processor shall not provide personal information stored within the territory of the People's Republic of China to any foreign judicial or law enforcement authority.

**Article 42** Where an overseas organization or individual engages in personal information processing activities that infringe upon the rights and interests relating to personal information of citizens of the People's Republic of China or compromise national security or public interests of the People's Republic of China, the national cyberspace administration may include it or him in a list of those the provision of personal information to whom is restricted or prohibited, make an announcement, and take measures such as restricting or prohibiting the provision of personal information to it or him.

**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，应当具备下列条件之一：

(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；

(四) 法律、行政法规或者国家网信部门规定的其他条件。

中华人民共和国缔结或者参加的国际条约、协定对向中华人民共和国境外提供个人信息的条件等有规定的，可以按照其规定执行。

个人信息处理者应当采取必要措施，保障境外接收方处理个人信息的活动达到本法规定的个人信息保护标准。

**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名称或者姓名、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和程序等事项，并取得个人的单独同意。

**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。

**第四十一条** 中华人民共和国主管机关根据有关法律和中华人民共和国缔结或者参加的国际条约、协定，或者按照平等互惠原则，处理外国司法或者执法机构关于提供存储于境内个人信息的请求。非经中华人民共和国主管机关批准，个人信息处理者不得向外国司法或者执法机构提供存储于中华人民共和国境内的个人信息。

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

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

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

**Article 44** Individuals shall have the right to know and the right to decide on the processing of their personal information, and 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 consult and duplicate their personal information from personal information processors, except under circumstances as set out in paragraph 1 of Article 18 or Article 35 of this Law.

Where individuals request the consultation or duplication of their personal information, personal information processors shall provide such information in a timely manner.

Where individuals request the transfer of personal information to their designated personal information processors, if the conditions specified by the national cyberspace administration are met, personal information processors shall provide the channels for transfer.

**Article 46** Where individuals discover that their personal information is incorrect or incomplete, they shall have the right to request personal information processors to correct or supplement relevant information.

Where individuals request the correction or supplementation of their personal information, personal information processors shall verify the personal information, and correct or supplement relevant information in a timely manner.

**Article 47** Under any of the following circumstances, a personal information processor shall voluntarily delete an individual's personal information; and, if the personal information processor fails to delete such information, the individual shall have the right to request it or him to do so:

- (1) The processing purpose has been achieved or cannot be achieved, or it is no longer necessary to achieve the processing purpose.
- (2) The personal information processor ceases the provision of products or services, or the retention period has expired.
- (3) The individual withdraws consent.
- (4) The personal information processor processes personal information in violation of any law or administrative regulation or the agreement.
- (5) Other circumstances as provided by laws and administrative regulations.

Where the retention period provided by any law or administrative regulation has not expired, or it is difficult to realize the deletion of personal information technically, the personal information processor shall cease the processing of personal information other than storing and taking necessary security protection measures for such information.

**Article 48** Individuals shall have the right to request personal information processors to explain their personal information processing rules.

**第四十三条** 任何国家或者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地区对等采取措施。

#### 第四章 个人在个人信息处理活动中的权利

**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。

**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；有本法第十八条第一款、第三十五条规定情形的除外。

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。

个人请求将个人信息转移至其指定的个人信息处理者，符合国家网信部门规定条件的，个人信息处理者应当提供转移的途径。

**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。

**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、无法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。

**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 49** Where a natural person dies, his or her close relatives may, for their own lawful and legitimate rights and interests, exercise the rights to consult, duplicate, correct and delete the relevant personal information of the deceased, except as otherwise arranged by the deceased before his or her death.

**Article 50** Personal information processors shall establish convenient mechanisms for accepting and handling individuals' applications for exercising their rights. If an individual's request for exercising his or her rights is rejected, the reasons therefor shall be given.

Where a personal information processor rejects an individual's request for exercising his or her rights, the individual may file a lawsuit with the people's court in accordance with the law.

#### Chapter V Obligations of Personal Information Processors

**Article 51** Personal information processors shall, on the basis of the purposes and methods of processing of personal information, categories of personal information, the impacts on individuals' rights and interests, and potential security risks, take the following measures to ensure that personal information processing activities comply with the provisions of laws and administrative regulations, and prevent unauthorized access to as well as the leakage, tampering or loss of personal information:

- (1) Developing internal management rules and operating procedures.
- (2) Conducting classified management of personal information.
- (3) Taking corresponding security technical measures such as encryption and de-identification.
- (4) Determining in a reasonable manner the operation privileges relating to personal information processing, and providing security education and trainings for employees on a regular basis.
- (5) Developing and organizing the implementation of emergency plans for personal information security incidents.
- (6) Other measures as provided by laws and administrative regulations.

**Article 52** A personal information processor that processes the personal information reaching the threshold specified by the national cyberspace administration in terms of quantity shall appoint a person in charge of personal information protection to be responsible for overseeing personal information processing activities as well as the protection measures taken, among others.

The personal information processor shall disclose the contact information of the person in charge of personal information protection, and submit the name and contact information of the person in charge of personal information protection to the authority performing personal information protection functions.

**Article 53** Personal information processors outside the territory of the People's Republic of China as provided in paragraph 2 of Article 3 of this Law shall establish special institutions or designate representatives within the territory of the People's Republic of China to handle affairs relating to personal information protection, and submit the names of relevant institutions or the names and contact information of representatives to the authorities performing personal information protection functions.

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

**第四十九条** 自然人死亡的，其近亲属为了自身的合法、正当利益，可以对死者的相关个人信息行使本章规定的查阅、复制、更正、删除等权利；死者生前另有安排的除外。

**第五十条** 个人信息处理者应当建立便捷的个人行使权利的请求受理和处理机制。拒绝个人行使权利的请求的，应当说明理由。

个人信息处理者拒绝个人行使权利的请求的，个人可以依法向人民法院提起诉讼。

#### 第五章 个人信息处理者的义务

**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权益的影响、可能存在的安全风险等，采取下列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、篡改、丢失：

- (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。

**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。

**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。

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

**Article 55** Under any of the following circumstances, personal information processors shall conduct personal information protection impact assessment in advance, and record the processing information:

- (1) Processing sensitive personal information.
- (2) Using personal information to conduct automated decision-making.
- (3) Commissioning personal information processing, providing personal information to other personal information processors, or disclosing personal information.
- (4) Providing personal information to an overseas recipient.
- (5) Other personal information processing activities which have major impacts on individuals' rights and interests.

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

- (1) Whether the purposes and methods of processing of personal information, among others, are lawful, legitimate and necessary.
- (2) The impacts on individuals' rights and interests and security risks.
- (3) Whether the protection measures taken are lawful, effective, and commensurate with the degrees of risks.

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

**Article 57** Where leakage, tampering or loss of personal information occurs or may occur, a personal information processor shall immediately take remedial measures, and notify the authority performing personal information protection functions and the relevant individuals. The notice shall include the following matters:

- (1) The categories of personal information that is or may be leaked, tampered with or lost, and the causes and possible harm of the leakage, tampering or loss of the personal information.
- (2) Remedial measures taken by the personal information processor and measures the individuals can take to mitigate the harm.
- (3) The contact information of the personal information processor.

Where the measures taken by the personal information processor can effectively avoid the harm caused by information leakage, tampering or loss, the personal information processor is not required to notify individuals; and where the authority performing personal information protection functions considers that harm may be caused, it shall have the right to require the personal information processor to notify individuals.

**Article 58** Personal information processors that provide important Internet platform services involving a huge number of users and complicated business types shall perform the following obligations:

- (1) Establishing and improving the personal information protection compliance systems in accordance with the provisions issued by the state, and forming independent institutions mainly consisting of external personnel to supervise personal information protection.

**第五十五条** 有下列情形之一的，个人信息处理者应当事前进行个人信息保护影响评估，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、向其他个人信息处理者提供个人信息、公开个人信息；
- (四) 向境外提供个人信息；
- (五) 其他对个人权益有重大影响的个人信息处理活动。

**第五十六条** 个人信息保护影响评估应当包括下列内容：

- (一) 个人信息的处理目的、处理方式等是否合法、正当、必要；
- (二) 对个人权益的影响及安全风险；
- (三) 所采取的保护措施是否合法、有效并与风险程度相适应。

个人信息保护影响评估报告和处理情况记录应当至少保存三年。

**第五十七条** 发生或者可能发生个人信息泄露、篡改、丢失的，个人信息处理者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) 发生或者可能发生个人信息泄露、篡改、丢失的信息种类、原因和可能造成的危害；
- (二) 个人信息处理者采取的补救措施和个人可以采取的减轻危害的措施；
- (三) 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、篡改、丢失造成危害的，个人信息处理者可以不通知个人；履行个人信息保护职责的部门认为可能造成危害的，有权要求个人信息处理者通知个人。

**第五十八条** 提供重要互联网平台服务、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) 按照国家规定建立健全个人信息保护合规制度体系，成立主要由外部成员组成的独立机构对个人

(2) Following the principles of openness, fairness and impartiality, developing platform rules, and clarifying the norms for the processing of personal information by product or service providers on the platforms and their obligations to protect personal information.

(3) Ceasing providing services to product or service providers on platforms who process personal information in severe violation of laws and administrative regulations.

(4) Issuing social responsibility reports on personal information protection on a regular basis, and subjecting themselves to public supervision.

**Article 59** The parties that are commissioned to process personal information shall, in accordance with the provisions of this Law and applicable laws and administrative regulations, take necessary measures to ensure the security of the personal information processed, and assist personal information processors in fulfilling the obligations specified in this Law.

## Chapter VI Authorities Performing Personal Information Protection Functions

**Article 60** The national cyberspace administration shall be responsible for the overall planning and coordination of personal information protection work and related supervision and administration. Relevant departments of the State Council shall, in accordance with this Law and applicable laws and administrative regulations, be responsible for personal information protection and the supervision and administration thereof within the scope of their respective functions.

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

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

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

- (1) Conducting publicity and education on personal information protection, and guiding and supervising the personal information protection conducted by personal information processors.
- (2) Accepting and processing complaints and reports relating to personal information protection.
- (3) Organizing the testing and assessment of the personal information protection of application programs, among others, and publishing the testing and assessment results.
- (4) Investigating and processing illegal personal information processing activities.
- (5) Other functions as provided by laws and administrative regulations.

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

- (1) Developing specific rules and standards for personal information protection.
- (2) Developing special personal information protection rules and standards for small-sized personal information processors, processing of sensitive personal information, and new technologies and applications such as facial recognition and artificial intelligence.
- (3) Supporting the research, development, promotion and application of safe and convenient electronic identity authentication technologies, and promoting the development of public services for online identity authentication.

(二) 遵循公开、公平、公正的原则，制定平台规则，明确平台内产品或者服务提供者处理个人信息的规范和保护个人信息的义务；

(三) 对严重违法法律、行政法规处理个人信息的平台内的产品或者服务提供者，停止提供服务；

(四) 定期发布个人信息保护社会责任报告，接受社会监督。

**第五十九条** 接受委托处理个人信息的受托人，应当依照本法和有关法律、行政法规的规定，采取必要措施保障所处理的个人信息的安全，并协助个人信息处理者履行本法规定的义务。

## 第六章 履行个人信息保护职责的部门

**第六十条** 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。

**第六十一条** 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) 组织对应用程序等个人信息保护情况进行测评，并公布测评结果；
- (四) 调查、处理违法个人信息处理活动；
- (五) 法律、行政法规规定的其他职责。

**第六十二条** 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) 针对小型个人信息处理者、处理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) 支持研究开发和推广应用安全、方便的电子身份认证技术，推进网络身份认证公共服务建设；

(4) Advancing the construction of a socialized service system for personal information protection, and supporting relevant institutions in providing personal information protection assessment and certification services.

(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;

(5) Improving the working mechanisms for personal information protection complaints and reports.

(五) 完善个人信息保护投诉、举报工作机制。

**Article 63** When performing personal information protection functions, the authorities performing personal information protection functions may take the following measures:

**第六十三条** 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:

(1) Interviewing relevant parties, and investigating circumstances relating to personal information processing activities.

(一) 询问有关当事人, 调查与个人信息处理活动有关的情况;

(2) Consulting and duplicating the parties' contracts, records, account books and other relevant materials relating to personal information processing activities.

(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;

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

(三) 实施现场检查, 对涉嫌违法的个人信息处理活动进行调查;

(4) Inspecting equipment and articles relating to personal information processing activities; and seizing or impounding equipment and articles used for illegal personal information processing activities as proved by evidence after submitting written reports to and obtaining approval from the primary persons-in-charge of these authorities.

(四) 检查与个人信息处理活动有关的设备、物品; 对有证据证明是用于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。

When authorities performing personal information protection functions perform their functions in accordance with the law, the parties shall provide assistance and cooperation, and shall not reject or obstruct them.

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 64** Where an authority performing personal information protection functions finds during the performance of its functions that there are relatively large risks in personal information processing activities or any personal information security incident occurs, it may hold an interview with the legal representative or primary person in charge of the personal information processor in accordance with the specified authority and procedures, or require the personal information processor to commission a professional institution to audit the regulatory compliance of its or his personal information processing activities. The personal information processor shall adopt measures to make rectification and eliminate hidden risks as required.

**第六十四条** 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。

Where an authority performing personal information protection functions finds during the performance of its functions that any illegal processing of personal information is suspected of constituting a crime, it shall promptly transfer the case to the public security organ for handling in accordance with the law.

履行个人信息保护职责的部门在履行职责中, 发现违法处理个人信息涉嫌犯罪的, 应当及时移送公安机关依法处理。

**Article 65** All organizations and individuals shall have the right to file complaints or reports about illegal personal information processing activities with authorities performing personal information protection functions. The authorities receiving complaints or reports shall handle them without delay in accordance with the law, and notify the complainants and informants of the handling results.

**第六十五条** 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。

The authorities performing personal information protection functions shall publish the contact information for accepting complaints and reports.

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。

Chapter VII Legal Liability

第七章 法律责任

**Article 66** Where a personal information processor processes personal information in violation of this Law or fails to fulfill the personal information protection obligations as provided in this Law in processing personal information, the authority performing personal information protection functions shall order the personal information processor to take corrective action, give it or him a warning, and confiscate its or his illegal income; and with respect to an application program processing personal information in violation of law, shall order the suspension or termination of provision of services by such application program. If the personal information processor refuses to take corrective action, it or he shall be fined not more than one million yuan; and any directly liable person in charge or other directly liable person shall be fined not less than 10,000 yuan nor more than 100,000 yuan.

Where a personal information processor commits any illegal act as specified in the preceding paragraph with serious circumstances, the authority performing personal information protection functions at or above the provincial level shall order it or him to take corrective action, confiscate its or his illegal income, and impose a fine of not more than 50 million yuan or not more than 5% of it or his turnover in the previous year, and may order the suspension of relevant business or suspension of business for an overhaul, and notify the relevant competent department to revoke the relevant business permit or business license; and impose a fine of not less than 100,000 yuan nor more than one million yuan on any directly liable person in charge or other directly liable person, and may decide to prohibit them from serving as directors, supervisors, senior executives or persons in charge of personal information protection of related enterprises during a certain period of time.

**Article 67** Where any violation of laws as prescribed in this Law is committed, it shall be entered into the relevant credit record and be published in accordance with the provisions of the applicable laws and administrative regulations.

**Article 68** Where any state organ fails to fulfill the personal information protection obligations as provided in this Law, the superior organ or the authority performing personal information protection functions shall order it to take corrective action, and take disciplinary action against the directly liable person in charge and other directly liable persons in accordance with the law.

Where any functionary of the authority performing personal information protection functions neglects duty, abuses power, or makes falsification for private gain, if it is not criminally punishable, he or she shall be subject to disciplinary action in accordance with the law.

**Article 69** Where the personal information processing infringes upon rights and interests relating to personal information and causes damage, and the personal information processor cannot prove that it or he is not at fault, the personal information processor shall assume liability for damage and other tort liability.

The “liability for damage” referred to in the preceding paragraph shall be determined based on the losses incurred by individuals thereby or the benefits obtained by the personal information processor therefrom; and where it is difficult to determine the losses incurred by individuals thereby or the benefits obtained by the personal information processor therefrom, the amount of damages shall be determined in accordance with the actual circumstances.

**Article 70** Where a personal information processor processes personal information in violation of the provisions of this Law, infringing the rights and interests of many individuals, the people's procuratorate, the consumer organization as provided by law, or the organization determined by the national cyberspace administration may file a lawsuit with the people's court in accordance with the law.

**Article 71** Where any violation of this Law constitutes a violation of public security administration, the public security administration punishment shall be imposed in accordance with the law; and if the violation constitutes a crime, the violator shall be held criminally liable in accordance with the law.

Chapter VIII Supplemental Provisions

**第六十六条** 违反本法规定处理个人信息，或者处理个人信息未履行本法规定的个人信息保护义务的，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，对违法处理个人信息的应用程序，责令暂停或者终止提供服务；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，由省级以上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或者停业整顿、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，并可以决定禁止其在一定期限内担任相关企业的董事、监事、高级管理人员和个人信息保护负责人。

**第六十七条** 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。

**第六十八条** 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。

履行个人信息保护职责的部门的工作人员玩忽职守、滥用职权、徇私舞弊，尚不构成犯罪的，依法给予处分。

**第六十九条** 处理个人信息侵害个人权益造成损害，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。

**第七十条** 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、法律规定的消费者组织和由国家网信部门确定的组织可以依法向人民法院提起诉讼。

**第七十一条** 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。

第八章 附 则

**Article 72** This Law shall not apply when a natural person processes personal information for personal or household affairs.

Where laws provide for the personal information processing in the process of statistical or archives administration activities organized and implemented by the people's governments at various levels and relevant departments thereof, such provisions shall prevail.

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

(1) "Personal information processor" means an organization or individual that independently decides on the purposes and methods of processing during personal information processing activities.

(2) "Automated decision-making" means the activities of automatically analyzing and assessing individuals' behavioral habits, hobbies, or financial, health and credit status through computer programs and making decisions thereon.

(3) "De-identification" means the process of processing personal information to make it impossible to identify specific natural persons without the support of additional information.

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

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

**第七十二条** 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。

**第七十三条** 本法下列用语的含义：

(一) 个人信息处理者，是指在个人信息处理活动中自主决定处理目的、处理方式的组织、个人。

(二) 自动化决策，是指通过计算机程序自动分析、评估个人的行为习惯、兴趣爱好或者经济、健康、信用状况等，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。

**第七十四条** 本法自2021年11月1日起施行。

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