

# PRIVACY GRID DETAIL: PIPL

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### Details

Short name for law: **PIPL (China)**

A link to the official text of the legislation: <http://www.npc.gov.cn/npc/30834/202108/uk36372c74491a8053a172b6753fa.shtml>

Full citation: **Personal Information Protection Law of the People's Republic of China**

Class of Law (Baron Model, 1996): **Information Privacy**

Business Sector of Law (Defined out): **Consumer Privacy**

Passed: **8/20/2021**

Effective Date: **11/1/2021**

Jurisdiction: **Supra-National**

Jurisdiction - Country: **China, People's Republic of**

Jurisdiction - State or Region:

Jurisdiction - City:

7-word Summary of the Legislation: **China's version of the GDPR**

Privacy laws related to this legislation:

Amended by these pieces of legislation:

Original Grid:

### Classifications

Scope of Law (Indicates how broadly Law applies): **Comprehensive**

Class of Law (Baron Model, 1996): **Information Privacy**

Business Sector of Law (Defined out): **Consumer Privacy**

Type of Law: Rules, Rights, Policing (Lindrosch Model, 2021): **Rights Privacy**

What Information is Targeted?: **PI - Personally Identifiable Info**

Who is Protected by the Legislation?: **Citizens**

Who is Regulated by the Legislation?: **All Controllers**

### Scope of Legislation

Who does this law protect?: **Citizens**

Details of Protected Entities: **If the PI rights and interests of any citizen of China are infringed, or the national security or public interests of China are endangered by any overseas organization or individual, the CAC may take measures against such overseas organization or individual, including blacklisting, restricting, or prohibiting such overseas organization or individual from receiving the PI (Article 42).**

Who does this law primarily regulate?: **All Controllers**

Details of Regulated Entities:

Are Employers exempt from this legislation?:

Are Non-Profits exempt from this legislation?:

Are specific Sectors exempt from this legislation?:

Details of Exemptions:

### Targeted Information

Details of Targeted Information: **PI - Personally identifiable info**

Is Sensitive Personal Info regulated? (Y/N):

Is Location data regulated? (Y/N):

Is Biometric data regulated? (Y/N):

Details of Targeted Information:

Sensitive Personal Info definition, notes: **Article 28 of PIPL refers to personal information that, once disclosed or illegally used, may easily cause grave harm to the dignity, personal, or property security of natural persons, including information on biometric characteristics, religious beliefs, specially designated status, medical health, financial accounts, individual location tracking, etc., as well as the personal information of minors under the age of 14.**

Location data notes:

Biometric data notes: **"Biometric characteristic" considered SPI. Facial recognition regulated by Article 16, stipulates that image c...**

### Origin Story

### Descriptive Text and Summary

7-word Summary: **China's version of the GDPR**

Short Overview:

Long Description - may include text from other sources:

Background info about this legislation:

Differences between GDPR and PIPL (Sokkie, 2021): **The PIPL has no lawful basis of legitimate purposes, which the GDPR recognizes. The PIPL uses some different terminology than the GDPR. GDPR "data subjects" are called "individuals" under the PIPL. GDPR "data controllers" are called "personal information handlers" under the PIPL. GDPR "data processors" are referred to as "entrusted parties" under the PIPL.**

Synopsis of key information:

Processor's Obligations: **Formulating internal management systems and operation procedures; implementing classified management of personal information; adopting corresponding technical security measures such as encryption and de-identification.**

### Technology

### Enforcement

Private Right of Action included? (Y/N):

Preemption of State Law? (Y/N):

Criminal Penalty? (Y/N):

Fines possible? (Y/N):

Liquidated Damages? (Y/N):

Enforcement Orgs: **CAC, Cyberspace Administration of China**

Enforcement Notes: **Criminal Penalties: Article 71; Personal Liability: Article 66; Private Right of Action: Articles 50 and 69-70; Orgs: CAC and more. The allocation of responsibilities is as follows:**

Private Right of Action Notes:

Presumption Type:

Personal Liability? (Y/N):

Maximum fine possible: **57.7 million or up to 5% of the previous year's business revenue / RMB 50 million or 5% of the processor's turnov...**

Equitable Remedies? (Y/N):

Enforcement Authority: **Rulmaking Authority: Article 62, Filing Authority: Article 66**

### Data Subject Access Requests

Right to Access? (Y/N):

Right to Modify? (Y/N):

Right to Delete? (Y/N):

Right of Portability? (Y/N):

By what Mechanisms can Consumers make a Request?:

How long do Orgs have to Respond?:

Over what Period does the Request Right cover?:

GDPR Notes: **Right to Access - Articles 44-45; Right to Correct - Article 46; Right to Delete - Article 47; Right to Portability - Article 48.**

### Consent & Notification Rights

Are Opt-in Rights granted? (Y/N):

Are Special Opt-in Rights granted for Sensitive Data? (Y/N):

Are Notification rights granted? (Y/N):

Are Special Opt-in Rights granted for Children? (Y/N):

Are Opt-out Rights granted? (Y/N):

Opt-Notify Notes: **Opt-out Right: Articles 15 and 44; Opt-in for SPI: Article 29; Opt-out by Age: Article 31; Notification: Articles 7, 17, 23 and 30.**

### Data Lifecycle Control

Is Data Collection regulated? (Y/N):

Is Data Sharing/Selling regulated? (Y/N):

Is Data Disposal regulated? (Y/N):

Is Data Processing regulated? (Y/N):

Is Data Retention regulated? (Y/N):

Data Lifecycle Notes: **"Processing of personal information" includes, among other things, the collection, storage, use, refining, transmission, provision, public disclosure and deletion of personal information.**

### Legislative Requirements

Is a Legal Basis for processing required? (Y/N):

Is Data Minimization required? (Y/N):

Is there an Assessment or Audit requirement? (Y/N):

Is there a mandatory Registration requirement? (Y/N):

Is Employee Training required?

Require non-discrimination? (Y/N):

Is there a Data Breach requirement? (Y/N):

Is there a Data Security requirement? (Y/N):

Are Automated Decisions or AI regulated? (Y/N):

Are Data Transfers regulated? (Y/N):

Are there requirements that some or all data remain local? (Y/N):

Is Purpose Limitation required? (Y/N):

Is Privacy by Design required? (Y/N):

Is there a mandatory Reporting requirement? (Y/N):

Is the appointment of a Data Protection Officer (or similar) required? (Y/N):

Is 3rd Party Certification required? (Y/N):

Notes on requirements: **Legal Basis: Article 13; Purpose Limit: Article 6; Data Min: Articles 6 and 19; 3rd Party: Article 21.**

Data Breach Notes: **Article 37.**

Data Security Notes: **Articles 9, 51 and 59.**

Automated Decision Notes: **Articles 24 and 55.**

Data Transfer Notes: **Articles 38-43. Cross-border transfers of personal information can only be made for legitimate purposes such as business needs, and the transferor is obligated to take the necessary measures to ensure that the processing activities of the overseas recipient satisfies the protection standards set forth in the PIPL. In addition, both a proper legal**

Data Localization Notes: **Critical information infrastructure operators (CIIOs) and those who exceed the threshold of personal informat...**