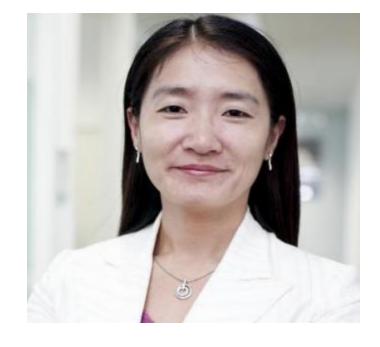
WE WILL START AT 10:00 AM (CET)

SESEC V Webinar

China Data Protection in 2020-2022:

Policies, Laws & Regulations, and Standards

- ✓ You are *muted*
- Use the **Q&A or Chat Panel** to submit your questions
- ✓ Keep your questions *short and concise*
- Your questions will be answered after the presentation
- ✓ **Slides and recording** will be sent to you afterwards
- ✓ Contact us: <u>assistant@sesec.eu</u>
- ✓ Welcome to our website: https://sesec.eu/



Seconded European Standardization Expert in China (SESEC) Project











SESEC INTRODUCTION

A Project co-funded by EC, EFTA, CEN CENELEC & ETSI

- Promote European and International standards in China
- * Improve contacts between Project Partners and different levels of the Chinese administration, industry and standardization bodies
- Enhance visibility and understanding of the European Standardization System (ESS) in China.
- Gather regulatory and standardization intelligence
- Undertake technical lobbying



Goals

- The SESEC initiative supports EC policy and ESOs strategic objectives in China.
- Our ultimate goal is the enhancement of **EU-China dialogue and cooperation** in the field of standardization.
- It is notably expected to support the Framework Cooperation Agreement in place **between the ESOs and SAC.**









SESEC V LAUNCHED IN OCT 2022

Goals and Tasks

Call for stakeholders' Strategic Comments on Standardization Cooperation with China

Please contact

SESEC team via assistant@sesec.eu

Ms. Zhuohua Chen zchen@cencenelec.eu in CEN/CENELEC Management Centre,

Ms. Margot Dor margot.dor@etsi.org in ETSI,

Ms. VACCARO Silvia Silvia.VACCARO@ec.europa.eu in European Commission, and

Ms. Gudrun Rögnvaldardóttir, gur@efta.int in EFTA, for more details of SESEC project.









China's Data Governance Regime and the Supporting Standards

Betty Xu, Director of the SESEC project













Contents

- Background
- China's Data Governance Regime
- Standards for China's Data Governance
- Key Takeaways









Background











Background

1. What is the evolution of people's view over data in China?

Information Resource

Value in Big Data

Production Factor

2. What makes "data" a special production factor different from other production factors?

Reusable

Non-rivalrous

Transferable

3. What is the definition for data governance in China?

From a legal point of view, data governance refers to the scientific allocation of rights, obligations and responsibilities among different data relation subjects such as public authorities, enterprises and individuals.







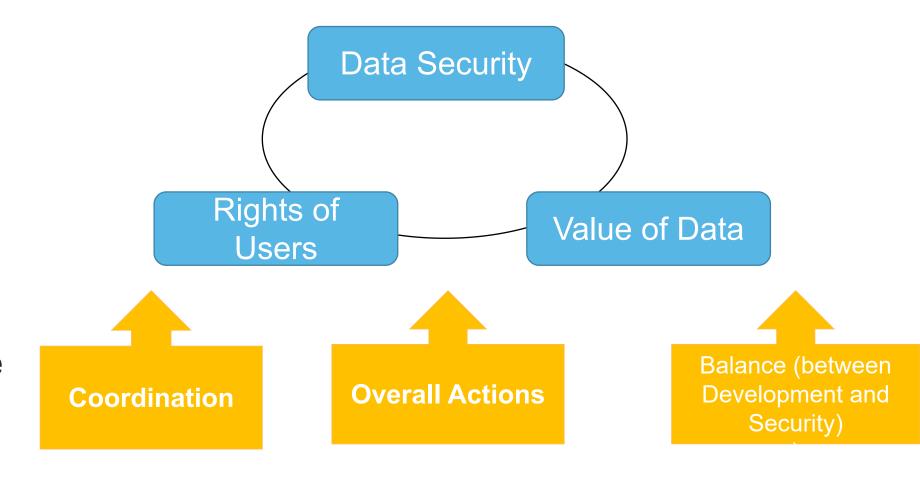






1. The framework of China's data governance system

2. The key point in China's governance over data











3. What are challenges faced by China's data governance?

a. rights of data are not clear: not able to respond to diversified needs of different stakeholders

b. the rules for data transaction and circulation is missing

c. diversified types of data VS. unified data governance rule system











4. Trend of Development

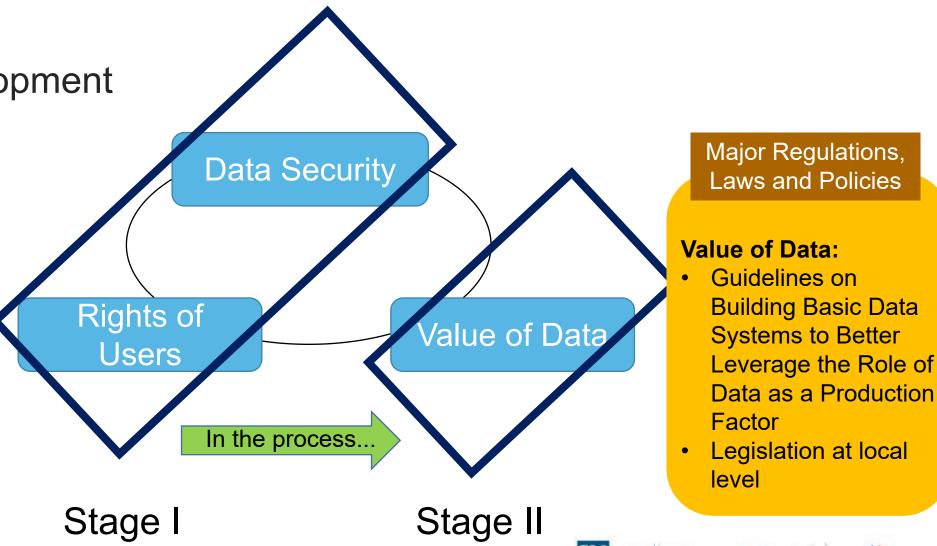
Major Regulations, Laws and Policies

Data Security:

- National Security Law
- Cybersecurity Law
- Data Security Law

Rights of Users:

- China's Civil Code
- Personal Information Protection Law



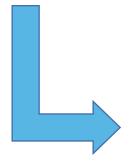
5. Major moves:

a. Newly-established Governmental Agency:

National Data Bureau

b. Nation-wise, the realse of a new policy: Guidelines on Building Basic Data Systems to Better Leverage the Role of Data as a Production Factor

c. Industry-specific administrative measures



Background: Plan for Institutional Reform of the Party and State Released in March 2023 Responsibilities:

- coordinating and advancing the construction of basic data system
- coordinating the integration, sharing, development and utilization of data resources
- coordinating the planning and construction of digital China, digital economy and digital society.

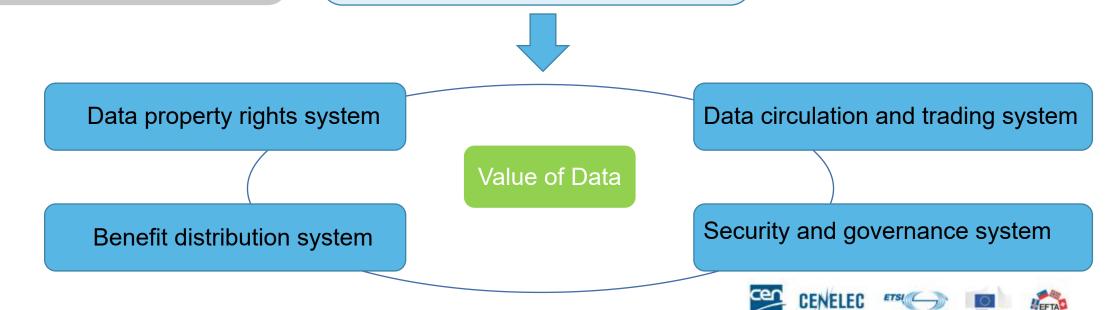
Superior body: National Development and Reform Commission



5. Major moves:

a. Newly-established Governmental Agency: National Data Bureau b. Nation-wise, the realse of a new policy:
Guidelines on Building Basic Data
Systems to Better Leverage the Role of
Data as a Production Factor

c. Industry-specific administrative measures



5. Major moves:

a. Newly-established Governmental Agency: National Data Bureau b. Nation-wise, the realse of a new policy: Guidelines on Building Basic Data Systems to Better Leverage the Role of Data as a Production Factor c. Industry-specific administrative measures



MIIT: Administrative Measures for Data Security in the Field of Industry and Information Technology (for Trial Implementation) (2023)

- Data grading and classification governance
- Data lifecycle security management
- Data security monitoring, early warning and emergency management
- Data security inspection, certification, evaluation management
- Supervision and inspection
- Legal liability









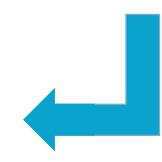
5. Major moves:

a. Newly-established Governmental Agency: National Data Bureau b. Nation-wise, the realse of a new policy: Guidelines on Building Basic Data Systems to Better Leverage the Role of Data as a Production Factor c. Industry-specific administrative measures

CAC, NDRC, MIIT, MPS and MoT Several Provisions on the Management of Automobile Data Security (for Trial Implementation) (2021)

Purpose: automobile data security & automobile data utilisation

Definition: Automobile data here refers to data of personal information and key data involved in the process of automobile design, production, sales, use, operation and maintenance.



Key words:

For personal information protection:

obligations of disclosure, consent, and anonymization

For key data process:

risk assessment and report, security assessment for outbound transfer, spot check and verification, annual report and annual supplementary report

















Major National Technical Committees

TC 260 SWG-BDS Special Working Group on Big Data Security

Tasks:

Responsible for big data and cloud computing related security standardization development, specifically including:

- research on urgent standardization needs, researching and proposing standard development roadmap
- defining annual standard development direction
- timely organizing key standard development

TC 28/WG of Big Data Working Group

Tasks:

- Responsible for big data standardization system development and improvement
- Organize and carry out technological and standard-related research on big data
- Apply for national and sector standards, as well as their development and revision
- Publicize and promote the implementation of standards
- Organize and promote relevant international standardization activities

Mirroring committee:

ISO/IEC JTC 1/SC 42/WG 2









In general, China's Data Governance Rules consist of four major mechanisms and their supporting rules:

Data Security Protection

- Data classification and grading
- Data security risk assessment, reporting, information sharing, monitoring and earlywarning
- Data security emergency response
- Data security obligations
- Industry-specific rules

Personal Information Protection

- General requirement
- Processing rules
- Cross-border transfer
- Protection of personal rights
- Obligation of processors
- Others

Public and Government Data Mangement

- Security of government data
- Sharing and disclosure of government data and public data

Data Trading and Circulation

- Data as a production factor
- Data for intelligent public services
- Data security related technology and product
- Data security related inspection, assessment and certification
- Security of data transaction
- Relevant personnel trainning and education

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Data Security Protection

- Data classification and grading
- Data security risk assessment, reporting, information sharing, monitoring and earlywarning
- Data security emergency response
- Data security obligations
- Industry-specific rules

Objectives for standardization: Identify rules and methods for data classification and grading, as well as identification key data and core data to protect data in a classified and graded manner; Strengthen the protection for key data.

- Requirements for classification and grading of network data (draft for comment)
- Rules for identification of key data (draft for review)
- Security requirements for processing of key data (draft)









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- Industry-specific rules

Objectives for standardization:

- Data risks assessment: Identify the method, process, and assessment report compliation requirement for data security risk assessment; Formulate critera for data security assessment organisations and personnel management, as well as qulification assessment and technical competence.
- Data security risk information monitoring and early warning: Support data security risk information acquisition, reporting, sharing, analysis, research and judgment, monitoring and early warning; Guide data processors to carry out data processing activities to strengthen risk monitoring; Take immediate and remedial measures when data security defects, vulnerabilities and other risks are found.

Existing Standards:

Risk assessment method for data security (draft);

Capacity requirements for assessment organization of data security (draft).

Relevant standards for cybersecurity information monitoring and early warning can be referred in this case, for instance, GB/T 36643-2018 Cyber security threat information format; GB/T 32924-2016 Guideline for cybersecurity warning; Guide of cyber security information sharing (draft for review); Guidelines for cyber security information submission (draft for comments); General technical requirements for network security situation awareness system (draft for approval).









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Data Security Protection

- Data classification and grading
- Data security risk assessment, reporting, information sharing, monitoring and earlywarning
- Data security emergency response
- Data security obligations
- Industry-specific rules

Objectives for standardization:

• Clarify relevant requirements or guidelines for data security incidents, emergency plans, and emergency response; Guide data processors to take immediate measures in case of data security incidents, and inform users in time according to regulations, and report to relevant competent authorities.

Existing Standards:

Relevant standards for emergency response to cybersecurity incidents can be referred in this case, for instance:

- GB/Z 20986 Guidelines for the category and classification of information security incidents (in revision);
- GB/T 38645-2020 Guide for cybersecurity incident emergency exercises;
- GB/T 20985.2-2020 Information security incident management—Part 2: Guidelines to plan and prepare for incident response;
- Assessment criteria for cybersecurity emergency response capability (draft for review).









In general, China's Data Governance Rules consist of four major mechanisms and their supporting rules:

Data Security Protection

- Data classification and grading
- Data security risk
 assessment, reporting,
 information sharing,
 monitoring and early warning
- Data security emergency response
- Data security obligations
- Industry-specific rules

Objectives for standardization:

- Whole-process data security management: Data security management and technical measures covering the whole process of data processing such as data collection, storage, use, processing, transmission, provision, disclosure and deletion, providing guidance for data processors to establish and improve the whole-process data security management.
- Ethics in data processing activities: Data processing activities and research and development of new data technologies shall conform to social morality and ethics.
- Legitimate data collection: Data shall be collected in a lawful and legitimate manner; data shall not be stolen or obtained by other illegal means; Data shall be collected and used within the purpose and scope prescribed by laws and administrative regulations.

- GB/T 37988-2019 Data security capability maturity model; GB/T 35274 Security capability requirements for big data services (in revision); GB/T 37973-2019 Big data security management guide.
- Assessment specification for Machine learning algorithms (draft for review); Security requirements of genetic recognition data (draft for approval); Standardised technical document Cybersecurity standards practice guide Guidelines for the prevention of ethical security risks in artificial intelligence
- Currently the standardisation activities are focused on the collection of personal information, such as GB/T 35273-2020 Personal information security specification; GB/T 41391-2022 Basic requirements for collecting personal information in mobile internet applications; etc.









In general, China's Data Governance Rules consist of four major mechanisms and their supporting rules:

Data Security Protection

- Data classification and grading
- Data security risk assessment, reporting, information sharing, monitoring and earlywarning
- Data security emergency response
- Data security obligations
- Industry-specific rules

Objectives for standardization:

 On the basis of generic data security standards, carry out research on the data security guidelines for industries while giving considertation to the data categorisation and classification in key industries, as well as characteristics of data processing and industry needs in data security; The guidelines will provide reference for data security work in the industry.

Existing Standards:

approval);

- In telecommunication sector: Guidelines of data security in telecommunication area (draft for approval);
- In Internet sector: Data security requirements for online ride-hailing services (draft for approval); Data security requirement for online shopping services (draft for approval); Data security requirements for instant messaging services (draft for approval); Data security requirements for express logistics services (draft for approval); Data security requirements for internet payment services (draft for approval); Data security requirements for online audio and video services (draft for
- In Intelligent Connected Vehicles sector: Security requirements for processing of motor vehicle data (draft for approval);
- In health and hygien sector: GB/T 39725-2020 Guide for health data security.

• ..









In general, China's Data Governance Rules consist of four major mechanisms and their supporting rules:

Personal Information Protection

- General requirement
- Processing rules
- Cross-border transfer
- Protection of personal rights
- Obligation of processors
- Others

Objectives for standardization:

Provide specific requirements for processing personal information in accordance with the principles of legality, legitimacy, necessity and integrity, clear purpose and minimal processing, openness, transparency, personal information quality, responsibility and security.

- GB/T 35273-2020 Information security technology—Personal information security specification
- GB/T 41391-2022 Information security technology—Basic requirements for collecting personal information in mobile internet applications









In general, China's Data Governance Rules consist of four major mechanisms and their supporting rules:

Personal Information Protection

- General requirement
- Processing rules
- Cross-border transfer
- Protection of personal rights
- Obligation of processors
- Others

Objectives for standardization:

Personal information processing activities: Provide general requirements for personal information processing activities such as collection, storage, use, processing, transfer, provision, disclosure and deletion.

Informed consent: Stipulate the formulation of personal information processing rules and disclosure requirements, and clarify the contents and methods of personal information processing notification; In terms of the legal basis of personal information processing and personal consent rules, clarify requirements in terms of different situations of consent.

Sensitive personal information: Regarding sensitive personal information such as medical and health care information, financial accounts, whereabouts and tracks, clarify security requirements for data processing activities such as collection, storage, use, processing, transfer, provision, disclosure and deletion; Put forward the requirements for collection necessity, security protection, desensitization rules, informed consent, etc.

Automated decesion: Clarify the data security and personal information protection requirements of data processors in the process of automated decision making and related applications.

Existing standards:

Personal information processing activities:

GB/T 35273-2020 Information security technology— Personal information security specification

Informed consent:

GB/T 35273-2020 Information security technology—
Personal information security specification
GB/T 41391-2022 Information security technology—
Basic requirements for collecting personal information in mobile internet applications
20210985-T-469 Information security technology—

20210985-T-469 Information security technology— Implementation guidelines for notices and consent in personal information processing (draft for approval) 20220167-T-469 Information security technology— Requirements of Internet Platform, product and service privacy policy (draft for comments)

Sensitive personal information:

Security requirements for processing sensitive personal information (draft)

Automated decision:

Automated decision security requirements based on personal information (draft)

20211000-T-469 Information security technology— Assessment specification for security of machine learning algorithms (draft for review)









In general, China's Data Governance Rules consist of four major mechanisms and their supporting rules:

Personal Information Protection

- General requirement
- Processing rules
- Cross-border transfer
- Protection of personal rights
- Obligation of processors
- Others

Objectives for standardization:

Clarify security principles, security requirements and certification rules for cross-border transfer of personal information.

- Requirements for authentication of cross-border personal information transfer (draft)
- Cyber Security Standards Practice Guide Security Certification Specification for cross-border Personal Information Processing activities









In general, China's Data Governance Rules consist of four major mechanisms and their supporting rules:

Personal Information Protection

- General requirement
- Processing rules
- Cross-border transfer
- Protection of personal rights
- Obligation of processors
- Others

Objectives for standardization:

Specify requirements or guidelines to protect the rights of individuals in personal information processing activities, such as the right to access, copy and carry, the right to correct, supplement, delete, explain and so on.

Existing standards:

GB/T 35273-2020 Information security technology—Personal information security specification









In general, China's Data Governance Rules consist of four major mechanisms and their supporting rules:

Personal Information Protection

- General requirement
- Processing rules
- Cross-border transfer
- Protection of personal rights
- **Obligation of** processors
- **Others**

Objectives for standardization:

- Personal information protection Technology: Specify technical requirements or application guidelines for personal information de-identification, including objectives, principles, implementation process, methods, etc., as well as evaluation methods for implementation effects.
- Personal information security management: Provide management requirements or guidelines for classification management of personal information, and management requirements or guidelines for person in charge of personal information protection.
- **Personal information protection impact assessment:** Provide basic principles and specify implementation process of personal information security impact assessment so to provide guidance for personal information processors to carry out personal information protection impact assessment.
- Personal information security emergency resposne: Provide requirements for the formulation and implementation of emergency plans for personal information security incidents, and clarify requirement regarding the redress and notification of personal information security incidents.

- GB/T 37964-2019 Information security technology—Guide for de-identifying personal information; GB/T 41817-2022 Information security technology—Guidelines for personal information security engineering; 20210996-T-469 Information security technology — Guide for evaluating the effectiveness of personal information de-identification (draft for approval)
- GB/T 35273-2020 Information security technology—Personal information security specification; 20220787-T-469 Information security technology — Requirements for classification and grading of network data (draft for comment); Security requirements for processing sensitive personal information (draft)
- GB/T 39335-2020 Information security technology—Guidance for personal information security impact assessment
- GB/T 35273-2020 Information security technology—Personal information security specification; Also emergency response related standards can be referred in this case, for instance: GB/Z 20986 Information security technology -Guidelines for the category and classification of information security incidents (in revision), etc











In general, China's Data Governance Rules consist of four major mechanisms and their supporting rules:

Personal Information Protection

- General requirement
- Processing rules
- Cross-border transfer
- Protection of personal rights
- Obligation of processors
- Others

Objectives for standardization:

1. APP: Support personal information protection assessment work for APPs, and promote the compliance of mobile APP ecology to the requirements of the Personal Information Protection Law.

- GB/T 41391-2022 Information security technology—Basic requirements for collecting personal information in mobile internet applications
- 20210997-T-469 Information security technology Personal information security testing and evaluation specification in mobile internet applications (draft for approval)
- 20210999-T-469 Information Security Technology Guidelines for SDK security in mobile internet applications (draft for comment)
- 20220784-T-469 Information security technique Audit and management of mobile internet applications collection and use of personal information guidelines for App store (draft for comment)
- 20220783-T-469 Information security technology Personal information processing management guide for mobile internet applications of smart mobile devices (draft for comment)
- 20220777-T-469 Information security technology Basic security requirements for preinstalled applications on smartphones





In general, China's Data Governance Rules consist of four major mechanisms and their supporting rules:

Personal Information Protection

- General requirement
- Processing rules
- Cross-border transfer
- Protection of personal rights
- Obligation of processors
- Others

Objectives for standardization:

2. Biometric information protection: Provide security requirements for collection, storage, use, supply, disclosure, deletion and other processing activities in terms of facial information and other biometric information.

- GB/T 40660-2021 Information security technology—General requirements for biometric information protection
- GB/T 41819-2022 Information security technology—Security requirements of face recognition data
- GB/T 41806-2022 Information security technology—Security requirements of genetic recognition data
- GB/T 41773-2022 Information security technology—Security requirements of gait recognition data
- GB/T 41807-2022 Information security technology—Security requirements of voiceprint recognition data









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Personal Information Protection

- General requirement
- Processing rules
- Cross-border transfer
- Protection of personal rights
- Obligation of processors
- Others

Objectives for standardization:

3. Evaluation and certification: Provide the relevant basis and rules of personal information protection assessment and certification, and support relevant institutions to carry out personal information protection assessment and certification services.

- 20210997-T-469 Information security technology Personal information security testing and evaluation specification in mobile internet applications (draft for approval)
- GB/T 35273-2020 Information security technology—Personal information security specification
- GB/T 41391-2022 Information security technology—Basic requirements for collecting personal information in mobile internet applications
- Requirements for authentication of cross-border personal information transfer (draft)
- Cyber Security Standards Practice Guide Security Certification Specification for crossborder Personal Information Processing activities









In general, China's Data Governance Rules consist of four major mechanisms and their supporting rules:

Personal Information Protection

- General requirement
- Processing rules
- Cross-border transfer
- Protection of personal rights
- Obligation of processors
- Others

Objectives for standardization:

4. Personal information for trustee: Provide requirements or guidelines for the protection of personal information of the trustee regarding typical scenarios of accepting the commission of processing personal information

Existing standards:

• GB/T 41574-2022 Information technology—Security techniques—Code of practice for protection of personal information in public clouds









In general, China's Data Governance Rules consist of four major mechanisms and their supporting rules:

Personal Information Protection

- General requirement
- Processing rules
- Cross-border transfer
- Protection of personal rights
- Obligation of processors
- Others

Objectives for standardization:

5. Personal information protection required in other emerging technology and applications: Formulate special personal information protection standards for emerging technologies and applications such as automobile data processing technology.

Existing standards:

• GB/T 41871-2022 Information security technology—Security requirements for processing of motor vehicle data









In general, China's Data Governance Rules consist of four major mechanisms and their supporting rules:

Public and Government Data Management

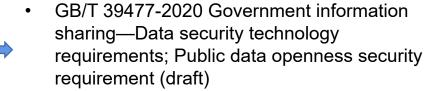
- Security of government data
- Sharing and disclosure of government data and public data

Objectives for standardization:

- Security of government data: Standardize
 government data processing activities carried
 out by government departments themselves and
 by the entrusted third parties; Clarify security
 management requirements and technical
 requirements on government data processing,
 as well as safety supervision requirements for all
 types of data processors.
- Sharing and disclosure of government data and public data: Regarding the government data or public data sharing and opening up, clarify requirements on personal information protection, as well as on data security technology and management; Promote the construction of government data sharing and opening-up platforms, as well as the opening up and utilisation of government data.

Existing standards:

 Security requirements for government data processing (draft); GB/T 39477-2020 Government information sharing—Data security technology requirements.











In general, China's Data Governance Rules consist of four major mechanisms and their supporting rules:

Data Trading and Circulation

- Data as a production factor
- Data for intelligent public services
- Data security related technology and product
- Data security related inspection, assessment and certification
- Security of data transaction
- Relevant personnel training and education

Objectives for standardization:

- Data as a production factor: Clarify relevant security rules on data sharing, transaction, opening up, development and utilization, and integrated computing so as to meet the needs of the healthy development of the digital economy where data is taken as the key factor, and to promote the orderly and free flow of data in accordance with the law.
- Data for intelligent public services:
 Intelligent public services shall give full consideration to the data security and protection needs from the elderly and the disabled so as to avoid obstacles to their daily lives.

- GB/T 39477-2020 Government information sharing—Data security technology requirements; GB/T 37932 Security requirements for data transaction service (in revision); Public data openness security requirements (draft); etc.
- •









In general, China's Data Governance Rules consist of four major mechanisms and their supporting rules:

Data Trading and Circulation

- Data as a production factor
- Data for intelligent public services
- Data security related technology and product
- Data security related inspection, assessment and certification
- Security of data transaction
- Relevant personnel training and education

Objectives for standardization:

- Data security related technology and product: Standardize the development and use of data security related products; Guide and promote the application of data security technology and industry practices.
- Data security related inspection, assessment and certification: Support data security inspection, evaluation, certification and other professional organisations to provide services; Promote the development of services regarding data security related inspection, assessment, certification, etc.

Existing standards:

 General framework for confidential computing (draft); GB/T 29765-2021 Technical requirements and testing and evaluating approaches for data backup and recovery products; GB/T 29766-2021 Technical requirements and testing and evaluating approaches of website data recovery products.



 GB/T 41479-2022 Network data processing security requirements; GB/T 37988-2019
 Data security capability maturity model;
 Capacity requirements for assessment organization of data security (draft); Risk assessment method for data security (draft); etc.









In general, China's Data Governance Rules consist of four major mechanisms and their supporting rules:

Data Trading and Circulation

- Data as a production factor
- Data for intelligent public services
- Data security related technology and product
- Data security related inspection, assessment and certification
- Security of data transaction
- Relevant personnel trainning and education

Objectives for standardization:

- Security of data transaction: Clarify the security requirements on intermediary service organisations in data transaction, data transaction participants, transaction objects and transaction process so as to standardise data transaction behavior.
- Relevant personnel training and education: Support data security related education and training; Promote the cultivation of data security professionals.

Existing standards:

 GB/T 37932 Security requirements for data transaction service (in revision)



 Relevant standards in cybersecurity can be referred, for instance, Basic requirements for competence of cybersecurity workforce (draft for approval)









Key Takeaways











Key Takeaways

Definition: Data governance, from a legal point of view, refers to the scientific allocation of rights, obligations and responsibilities among different data relation subjects such as public authorities, enterprises and individuals.

The framework of China's data governance system consists of data security, rights of users, and value of data.

The challenges of China's data governance include unclear definition of rights of data, lack of rules for data transaction and circulation, difficulties of applying a unified data governance rule system over diversified types of data.

Standardization:

- 1. Major TCs: TC 28/WG of Big Data Working Group and TC 260's SWG-BDS
- 2. Standardization in support of four major mechanisms: data security protection, personal information protection, public and government data management, and data trading and circulation
- 3. Brief summary:
- each of those four mechanisms is supported with detailed rules backed up by individual standards
- In some cases, standards for information can be referred
- 4. Latest update on cross-border transfer:
- For certification: release of *Information security technology-Certification requirements for cross-border transmission of personal information (draft for comment)*











Thank you!

Dr. Betty Xu

Seconded European Standardization Expert in China (SESEC)

Room 1005, The Oriental Place, #9 East Dongfang Road,

North-Part of Beijing East Third Ring, Chaoyang, Beijing, 100106,

P R China

Phone: +86 10 85275366-802

Mobile: +86 185 118 20197

E-mail: betty.xu@sesec.eu

Wesite: www.sesec.eu







