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Towards PIPL compliance – summary of actions



PIPL - who is obliged to comply?

The China Personal Information Protection Law ("**PIPL**") is applicable to the processing of personal information taking place within the territory of the People's Republic of China ("**PRC**", and solely for the purpose of this article, excluding Hong Kong, Macau and Taiwan) or to processing of personal information taking place outside of the PRC relating to natural persons located within the PRC

- for the purpose of providing products or services to natural persons located within the PRC;
- to analyse or assess the conduct of natural persons located within the PRC; or
- under any other circumstance as provided by any PRC law or administrative regulation.

For an international business, its PRC subsidiary will be obliged to comply with PIPL and even if it has no physical presence in the PRC, as long as it processes personal information of individuals located within the PRC for the purposes stated above, the relevant processing entity will be obliged to comply with PIPL. The PRC subsidiary and the relevant overseas processing entity are together referred as "**PIPL Obligor**".

What needs to be carried out for PIPL compliance

In the table below, we set out the various obligations to be carried out by a PIPL Obligor in order to be in compliance with PIPL.

Obligations	PIPL Article Ref No.	Actions
Data protection team and related processes	51(4) 52 53	<ul style="list-style-type: none"> Staff training in terms of PIPL awareness, data protection policies, notice, procedures and breach response plan. Appointment of data protection officer, being responsible for <ul style="list-style-type: none"> Responding to or communication with Cyberspace Office relating to any breach or alleged breach of obligations or any enforcement action; Responding to any claim from data subject for compensation under PIPL or alleged breach of PIPL; Formulation of data protection policies, notice, procedures and related metrics, data subject access request; Due diligence on vendor data processors. For overseas data processor, setting up a specialised institution or appointing a representative within PRC territory to handle matters related to data protection.
Data classification	28-32 40 51 (2)	<ul style="list-style-type: none"> Implementing data classification and management mechanisms. This would involve the assessment of, including without limitation, <ul style="list-style-type: none"> Handling of sensitive personal information; Data localization requirements.
Legal basis	13	<ul style="list-style-type: none"> Identifying the legal basis for handling of personal information.
Privacy notice & privacy policy	7 17	<ul style="list-style-type: none"> Developing privacy policy, notice and procedures concerning the collection, use, storage, retention and security of personal information. Ensuring that appropriate privacy notices are issued to data subjects before the data processing activities.
Technical & data security capabilities	51 54	<ul style="list-style-type: none"> Developing the relevant policies, procedures and related measures for technical and data security. Deploying technical and organisational measures in respect of unauthorised or unlawful processing of, or accidental loss or damage to, any personal information processed. Use testing, audits or other documented mechanisms to ensure, and to monitor compliance with data protection policies and procedures.

Obligations	PIPL Article Ref No.	Actions
Data protection compliance activities	/	<ul style="list-style-type: none"> Maintaining complete, accurate and up to date records of all personal information processing activities.
Personal information protection impact assessment	55 56	<ul style="list-style-type: none"> Assessing the need for and conducting a Personal Information Protection Impact Assessment (PIPIA). Maintaining complete, accurate and up to date records of all PIPIAs.
Agreements with data protection clauses	20 21 38(3)	<ul style="list-style-type: none"> Incorporating data protection clauses in alignment with PIPL in applicable agreements, in particular data processing agreements with controllers, processors and overseas recipients.
Vendor due diligence program	21	<ul style="list-style-type: none"> Developing procedures and assigning team to manage the vendor management process and undertake appropriate due diligence on any third parties that have been appointed to process personal information.
Data export	38-43	<ul style="list-style-type: none"> Complying with all statutory requirements relating to the disclosure or transfer of personal information outside of the PRC, such as execution of standard clauses, certification, compulsory data export security assessment, PIPIA, etc.
Data subject access request	15 44-50	<ul style="list-style-type: none"> Developing procedure for responding to data subject requests and assign internal team to be responsible for response to data subject requests, which may include any request for access to personal information, the cessation of specified processing activities or the rectification or erasure of any personal information, etc.
Breach response plan	57	<ul style="list-style-type: none"> Documenting the data breach response plan. Maintaining a record of personal information breaches. Training the responsible parties on how to respond to a breach.

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