

Translated English of Chinese Telecom Regulations

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Order of Ministry of Industry and Information Technology of the People's Republic of China

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电信和互联网用户个人信息保护规定

中华人民共和国工业和信息化部令 第24号

“Protective Stipulation for Personal Information of Telecommunication and Internet User” has been deliberated and passed on the 2nd ministerial conference of Ministry of Industry and Information Technology of the People's Republic of China on June 28, 2013. And it is hereby issued and shall be implemented since September 1, 2013.

Minister: Miao Xu

July 16, 2013

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Protective Stipulation for Personal Information of Telecommunication and Internet User

电信和互联网用户个人信息保护规定

Chapter One General Provisions

Article 1 In order to protect the legal rights of telecommunication and internet users and maintain the safety of network information, this stipulation is established according to laws and administrative regulations such as “Decision on Strengthening Network Information Protection of the NPC Standing Committee”, “Telecommunication Provisions of PRC” and “Management Methods of Internet Information Service”.

Article 2 This stipulation is suitable for activities of providing telecommunication service, collecting and using users’ personal information in the internet information service process in the People’s Republic of China.

Article 3 Ministry of Industry and Information Technology and Bureaus of Telecommunication Management of the provinces, autonomous regions and municipalities (hereafter collectively refer to as telecommunication regulatory authority) shall carry out supervision and management of personal information protection of telecommunication and internet users according to the laws.

Article 4 The users’ personal information in this stipulation refers to the information that can independently or jointly recognize users’ information as well as time and place of using services, such as the user’s name, date of birth, ID card number, address, telephone number, account and code that telecommunication service providers and internet information service providers collect in the process of servicing.

Article 5 In the process of providing service, telecommunication service providers and internet information service providers shall adhere to legal, reasonable and necessary principles in collecting and using users’ personal information.

Article 6 Telecommunication service providers and internet information service providers shall be responsible for safety of users’ personal information that they collect and use in the process of providing service.

Article 7 The country encourages telecommunication and internet industry to

that are reported or found to violate this stipulation. For the behaviors of significant influence, telecommunication management bureau of related provinces, autonomous regions and municipalities shall report to Ministry of Industry and Information Technology. Before making handling decision according to this stipulation, telecommunication regulatory authority can require telecommunication service providers and internet information service providers to suspend the related behaviors; telecommunication service providers and internet information service providers shall execute it.

Article 15 Telecommunication service providers and internet information service providers shall provide training of related knowledge, technique and safety responsibilities of users' personal information to the working staffs.

Article 16 Telecommunication service providers and internet information service providers shall at least have a self-examination of protection of users' personal information every year, record the self-examination information and timely eliminate hidden trouble of safety found in self-examination.

Chapter Four Supervision-inspection

Article 17 Telecommunication regulatory authority shall carry out supervision-inspection of personal information protection to telecommunication service providers and internet information service providers.

When carrying out supervision-inspection, telecommunication regulatory authority can require telecommunication service providers and internet information service providers to provide related materials, and investigate in their production and management fields. Telecommunication service providers and internet information service providers shall assist their work.

When carrying out supervision-inspection, telecommunication regulatory authority shall record the information of supervision-inspection, it must not hinder the normal management or service of telecommunication service providers and internet information service providers, and cannot charge any fees.

Article 18 In performing their duties, telecommunication regulatory authority and the working staffs shall maintain the secrecy of acknowledged personal information of users. They must not disclose, distort nor damage the information. They must not sell or provide it to others illegally.

Article 19 When implementing permission of telecommunication management license and annual check of management license, telecommunication regulatory authority shall examine the protection conditions of personal information of users.

Article 20 Telecommunication regulatory authority shall record the behaviors of

telecommunication service providers and internet information service providers that violate this stipulation in the social credit documents, and make announcement.

Article 21 Telecommunication and internet industry associations are encouraged to develop self-discipline management system related to users' personal information protection according to laws, guide the members to strengthen self-discipline management and improve protection level of personal information of users.

Chapter Five Legal Responsibility

Article 22 If telecommunication service providers and internet information service providers violate Article 8 and Article 12 of this stipulation, telecommunication regulatory authority shall order them to correct within a definite time according to the functions and power, and give them a warning. In addition, telecommunication regulatory authority can also punish them to pay fine less than RMB 10,000.

Article 23 If telecommunication service providers and internet information service providers violate Article 9 to Article 11, Article 13 to Article 16 and the second item of Article 17 of this stipulation, telecommunication regulatory authority shall order them to correct within a definite time according to the functions and power, and give them a warning. In addition, telecommunication regulatory authority can also punish them to pay fine ranging from RMB 10,000 to RMB 30,000, then make announcement to the society. If a crime is constituted, the criminal responsibility shall be investigated.

Article 24 If working staffs of telecommunication regulatory authority are forgetful of their duties, exercise wrongly their power and play favoritism and commit irregularities, they shall be punished according to the laws. If a crime is constituted, the criminal responsibility shall be investigated.

Chapter Six Supplementary Provisions

Article 25 This stipulation shall be implemented since September 1, 2013.

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