


# Guidelines of Data Transfer Rules in China

**DEWIT LAW OFFICE**

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September 24, 2024

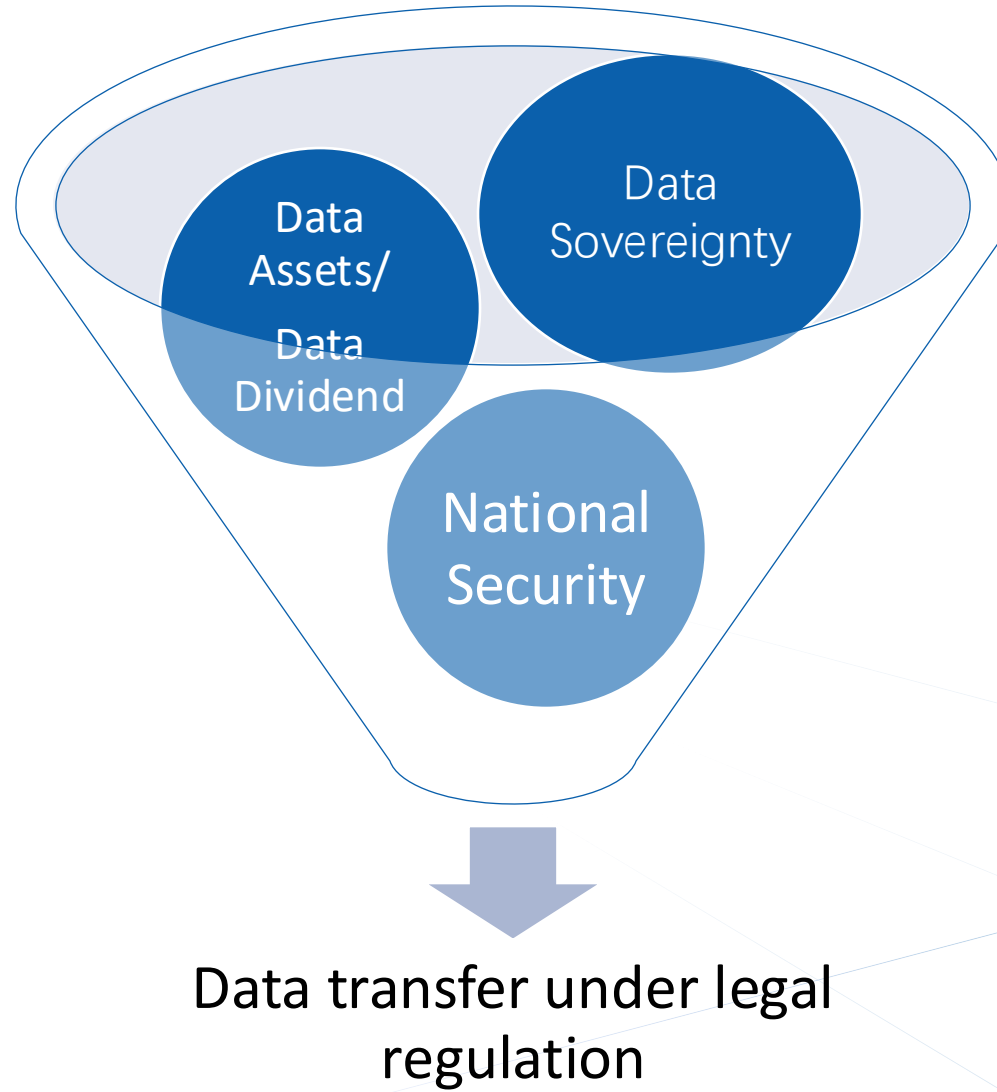



Q1



Why to regulate cross-boarder data  
transfer?







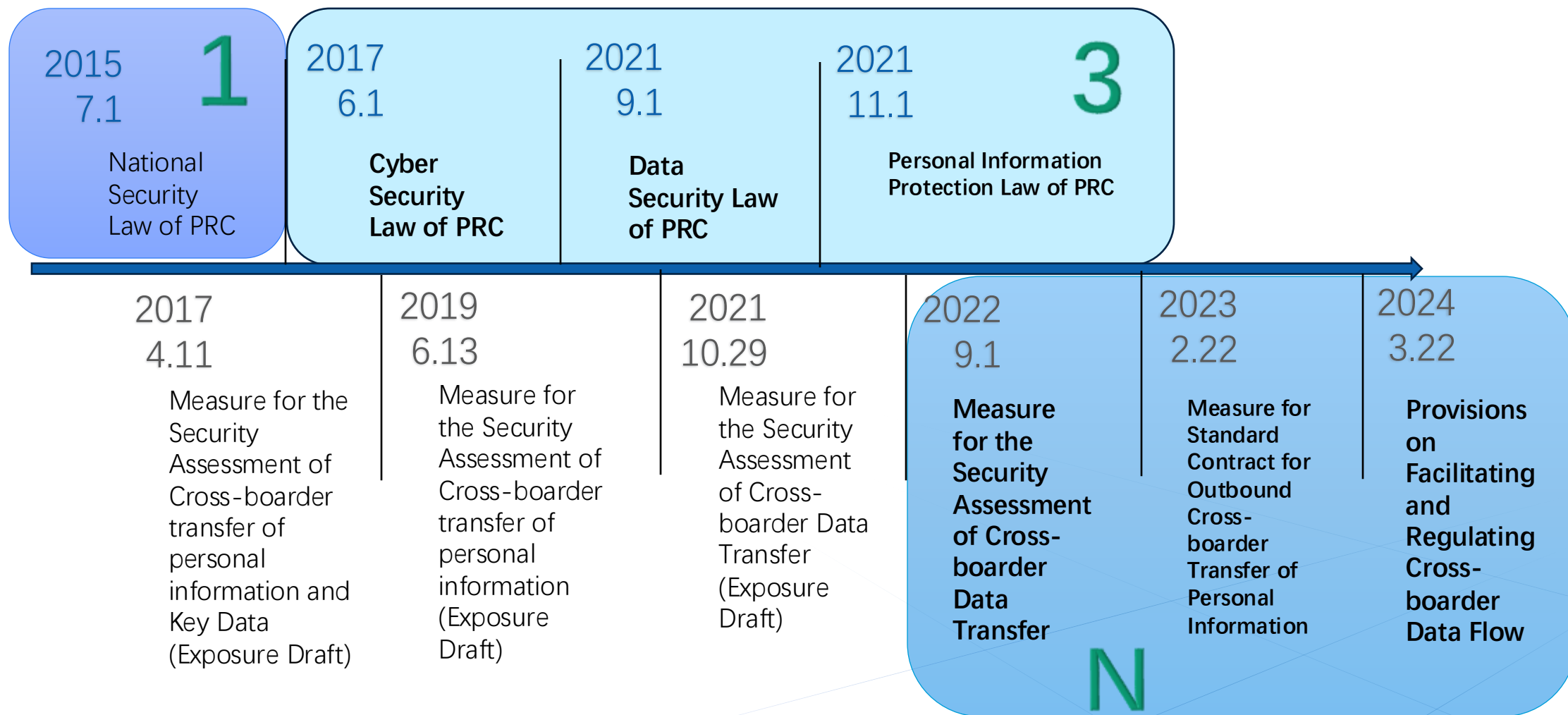
Q2




What are the related laws and  
regulations concerning cross-boarder  
data transfer in China?



## ➔ Key regulatory development of cross-border data transfer rules





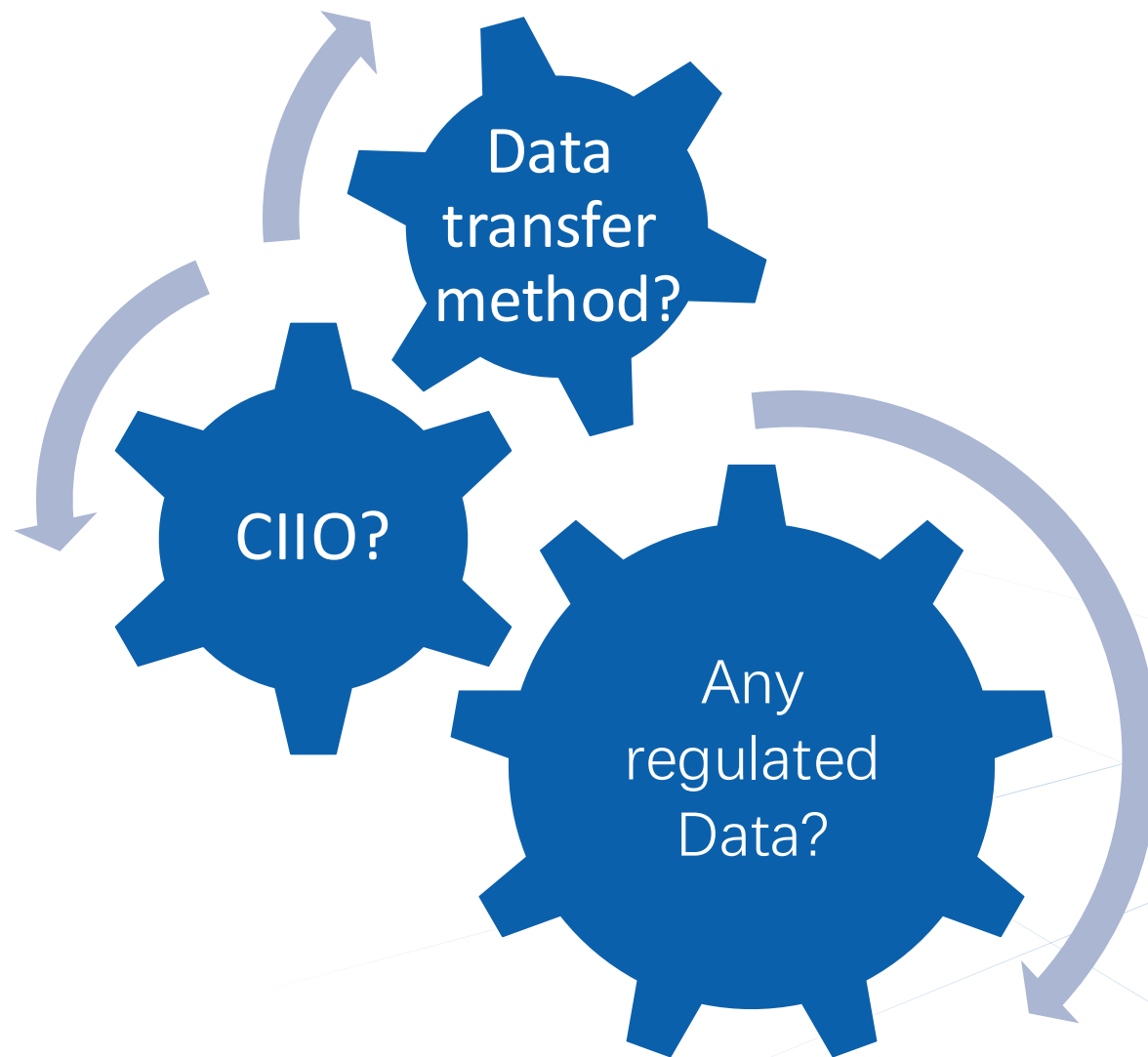
Q3

>>> Am I allowed to transfer data <<<  
outside of China?



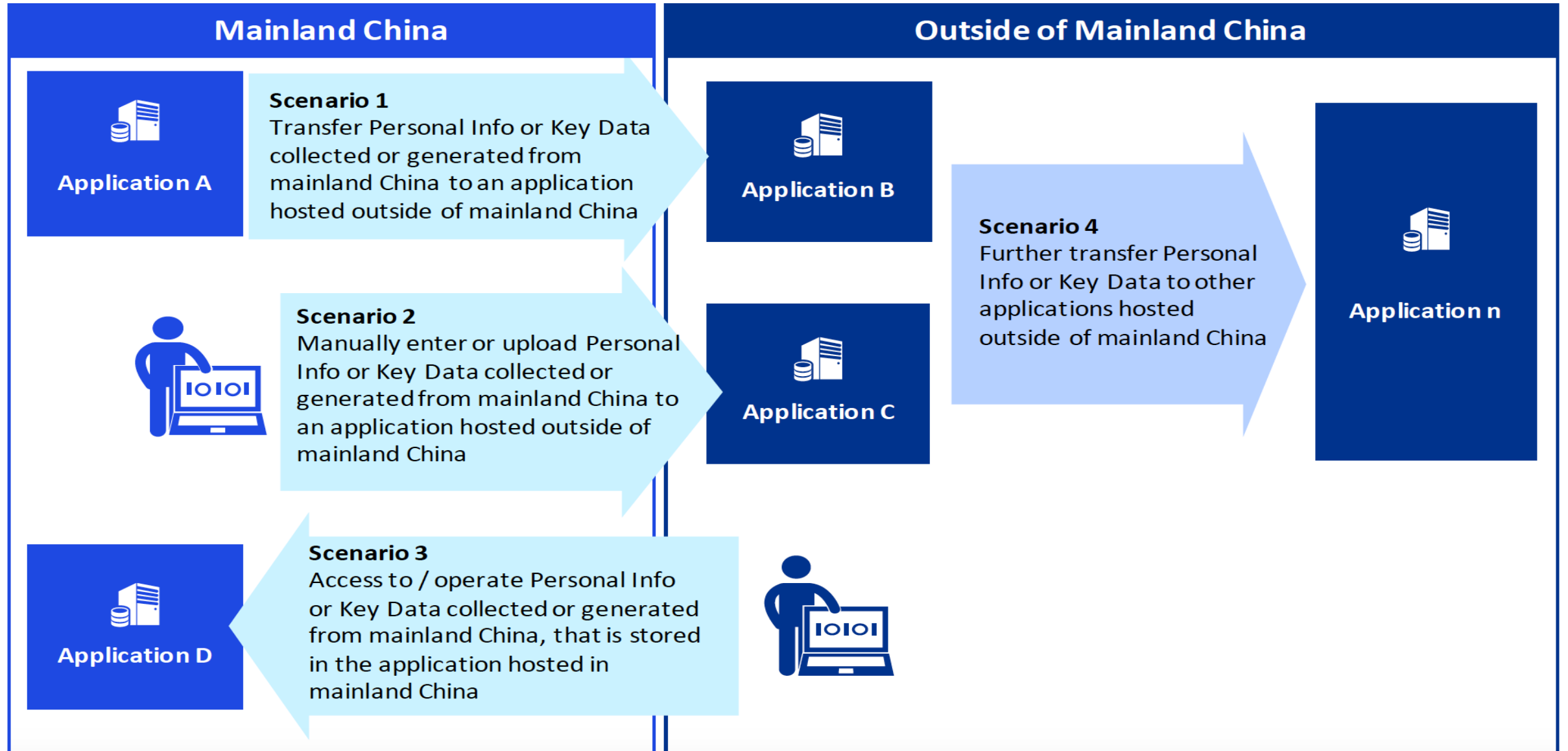
Maybe...

Things you need to know...





# Question 1: Does my method of data transfer constitute Cross-Border Data Transfer?







## Question 2: Am I a CIIO (Critical Information Infrastructure Operator)?

Critical Information Infrastructure refers to key network facilities and information systems in important industries and areas...

public telecommunication  
and information services

Energy

Transport

Water conservancy

Finance

Public service

E-government

Science and Technology industry  
for national defense





### Question 3: Am I transferring the following data?

Personal Information

Name, age, profession, address, telephone number...

Sensitive Personal  
Information

Biometric information: facial recognition, finger prints  
Nationality, Religion... GPS location, Uber records...  
Health record, Financial information...

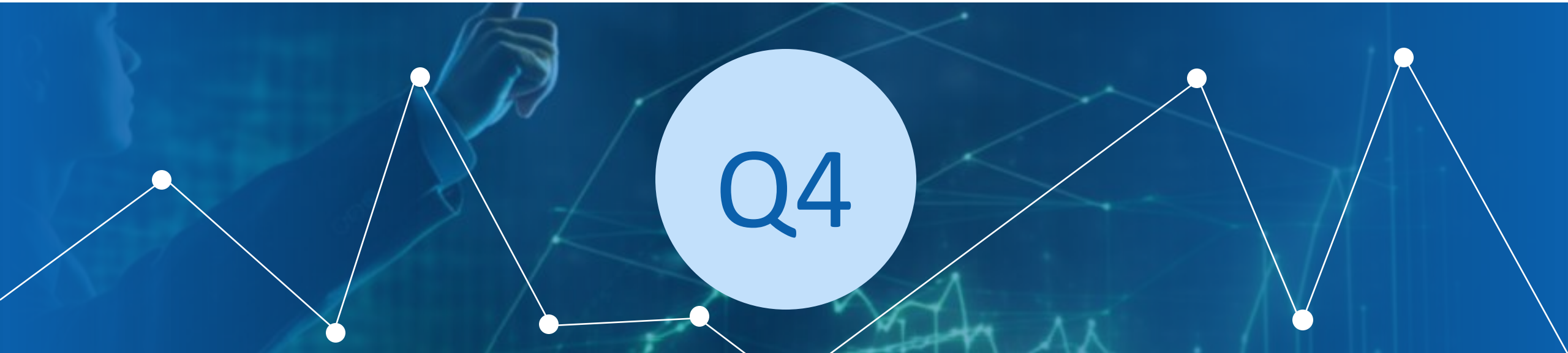
Important Data

《Data Security Law of PRC》 Article 21

《Measures for the Security Assessment of Outbound Cross-boarder  
Data Transfer》 Article 19

**Important Data** means any data, the tampering, damage, leakage, or illegal acquisition or use of which, of it happens, may endanger national security, the operation of the economy, social stability, public health and security, etc.

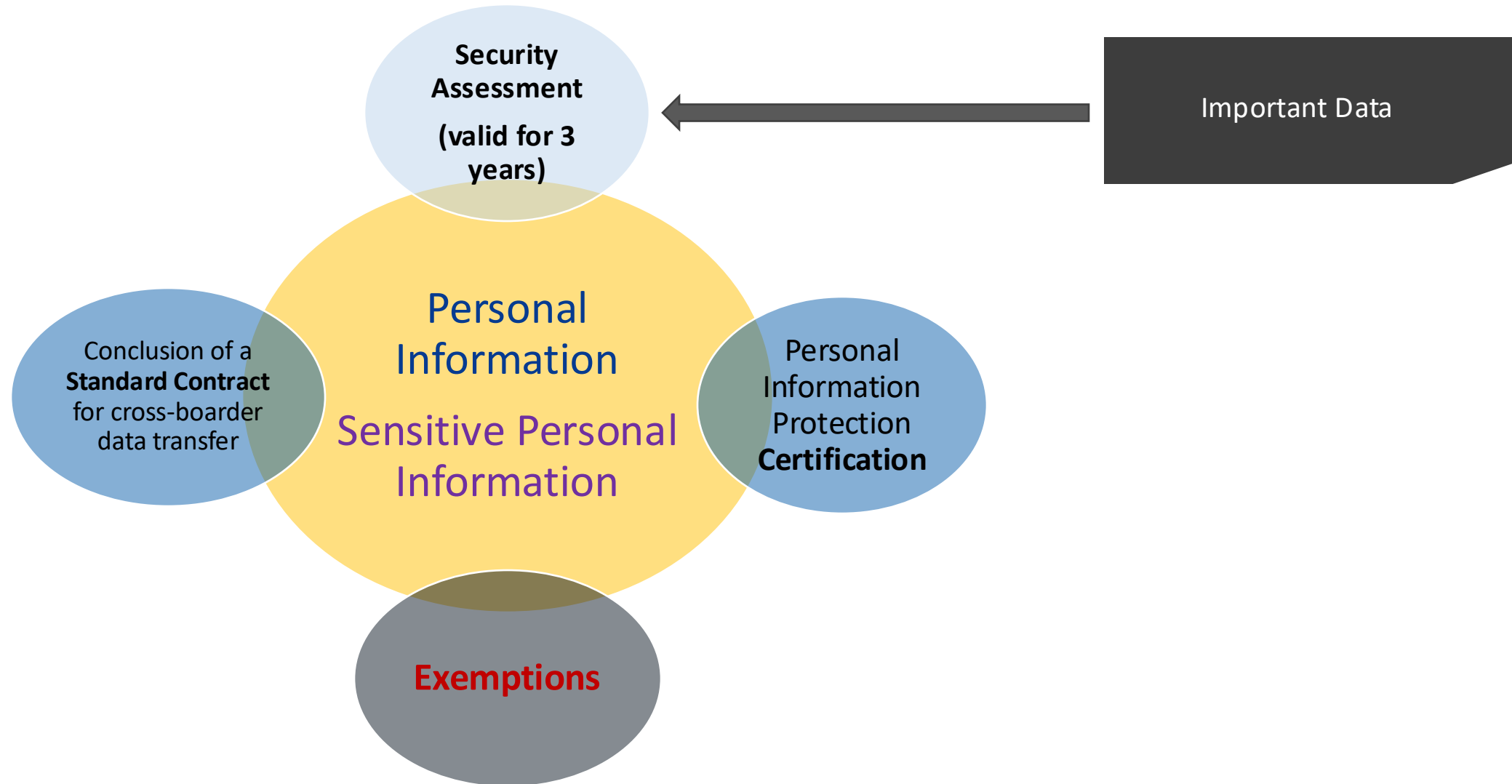
Human genetic resource information  
Genomic sequencing raw data  
Financial transaction data of key enterprises



Q4

>>> How can I transfer data overseas from China legally? <<<

➔ 4 ways of compliance methods of cross-border data transfer






## Rules of Cross-boarder Data Transfer on “Personal Information” in China

Amount* of PI Data Processor	Less than 100,000 individuals Personal Information (Sensitive PI excluded)	Between 100,000 to 1 million individuals Personal Information (Sensitive PI excluded)	More than 1million Personal Information (Sensitive PI excluded)	More than 10,000 Sensitive Personal Information
Non-CIIO	Exemption	Conclusion of the Standard Contract / Personal Information Protection Certification	Security Assessment	Security Assessment
CIIO	Security Assessment	Security Assessment	Security Assessment	Security Assessment

\*Remark: the “Amount” is a cumulated basis starting from January 1 of the said year.

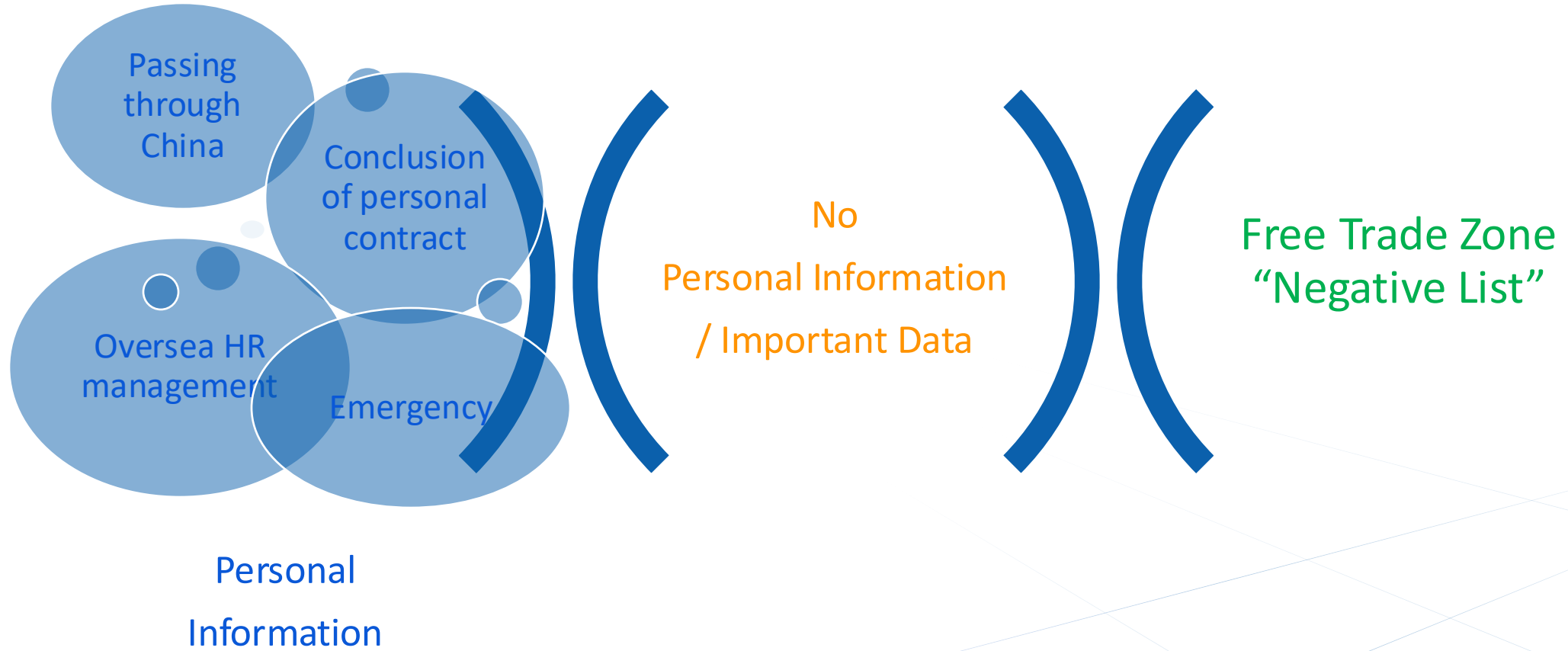



Q5

>>>What are the “exemption” <<<  
for “Security Assessment”?



## Exemptions





Q6

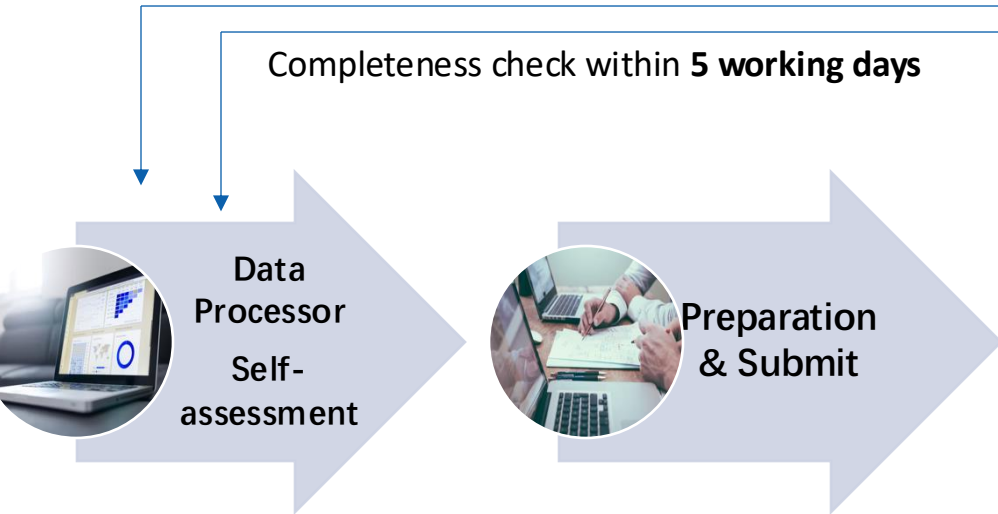


What is the timeline and  
procedure for Security  
Assessment?



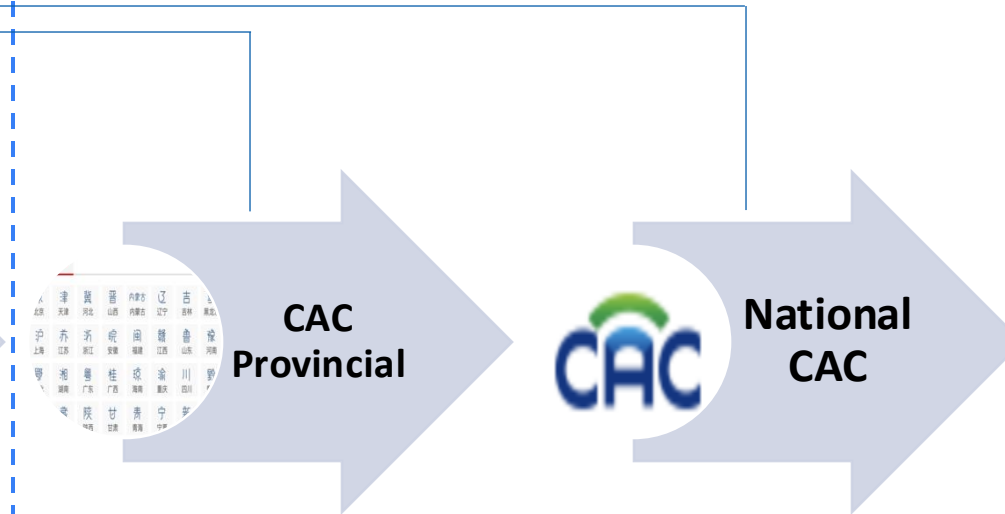


## Preparation & Submission



## Review


Determine whether to accept within **7 working days** with written notice



## Conclusion



Complete within **45 working days** from the issuance date of the written notice of acceptance, or extend for special circumstances.  
Where objections to the assessment results, Data Processor may apply to the CAC (National) for a re-evaluation within 15 working days of receiving the assessment results



Q7

>>> Do I need to ask for advise from <<<  
an expert?

**Thank you!**

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**CHINA**

