

# From EU GDPR to China PIPL:

## *Challenges of Chinese Data Regulations Compliance as a Foreign Company*

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## ***Vice Chairlady and Director of the Data Privacy Committee of Hong Kong China Network Security Association – 15+Y legal experience***

- Hong Kong solicitor and China (PRC) lawyer
- Shanghai (*PRC Law*) + Netherlands (*EU Law*) + London/Hong Kong (*Common Law*)
- Previously in-house counsel with *Alibaba, eBay and SAP*
- Worked for Beijing, Hong Kong and London offices of leading international law firms
- IAPP, AIGP (Artificial Intelligence Governance Professional)
- IAPP, CIPM (Certified Information Privacy Manager)
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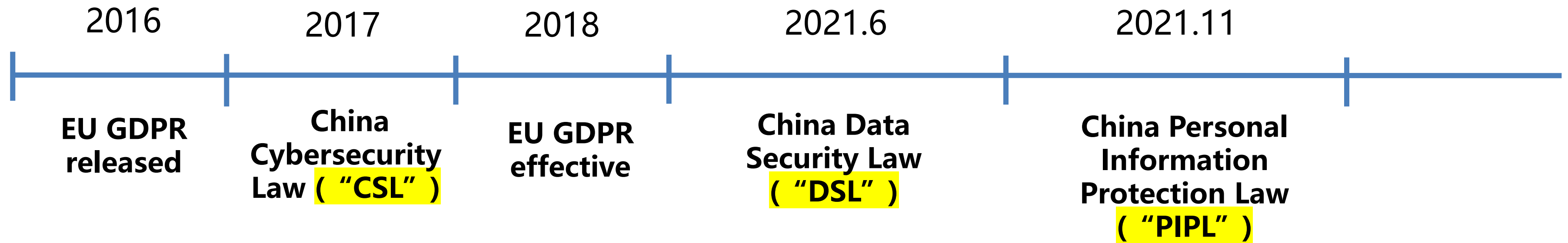


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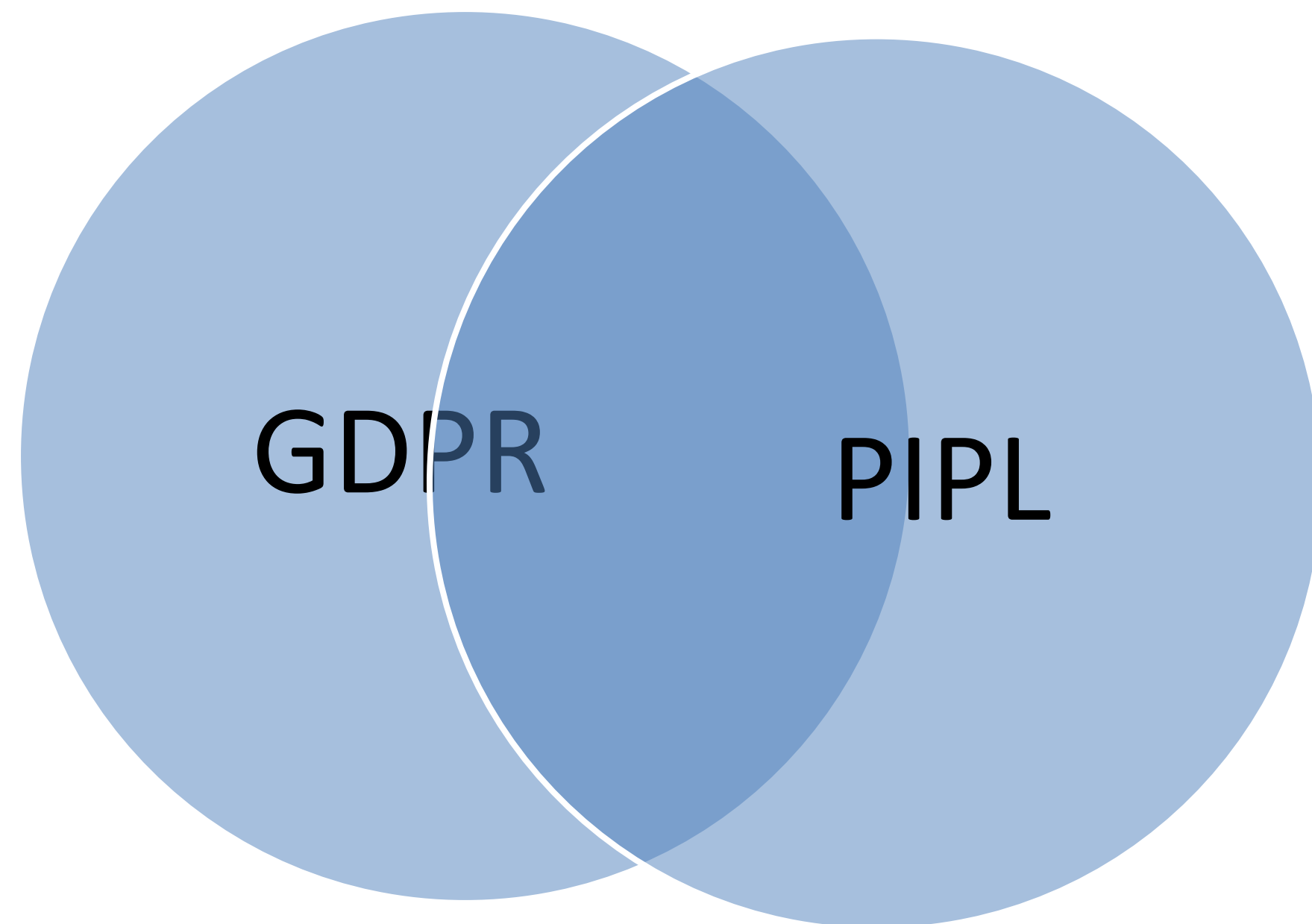
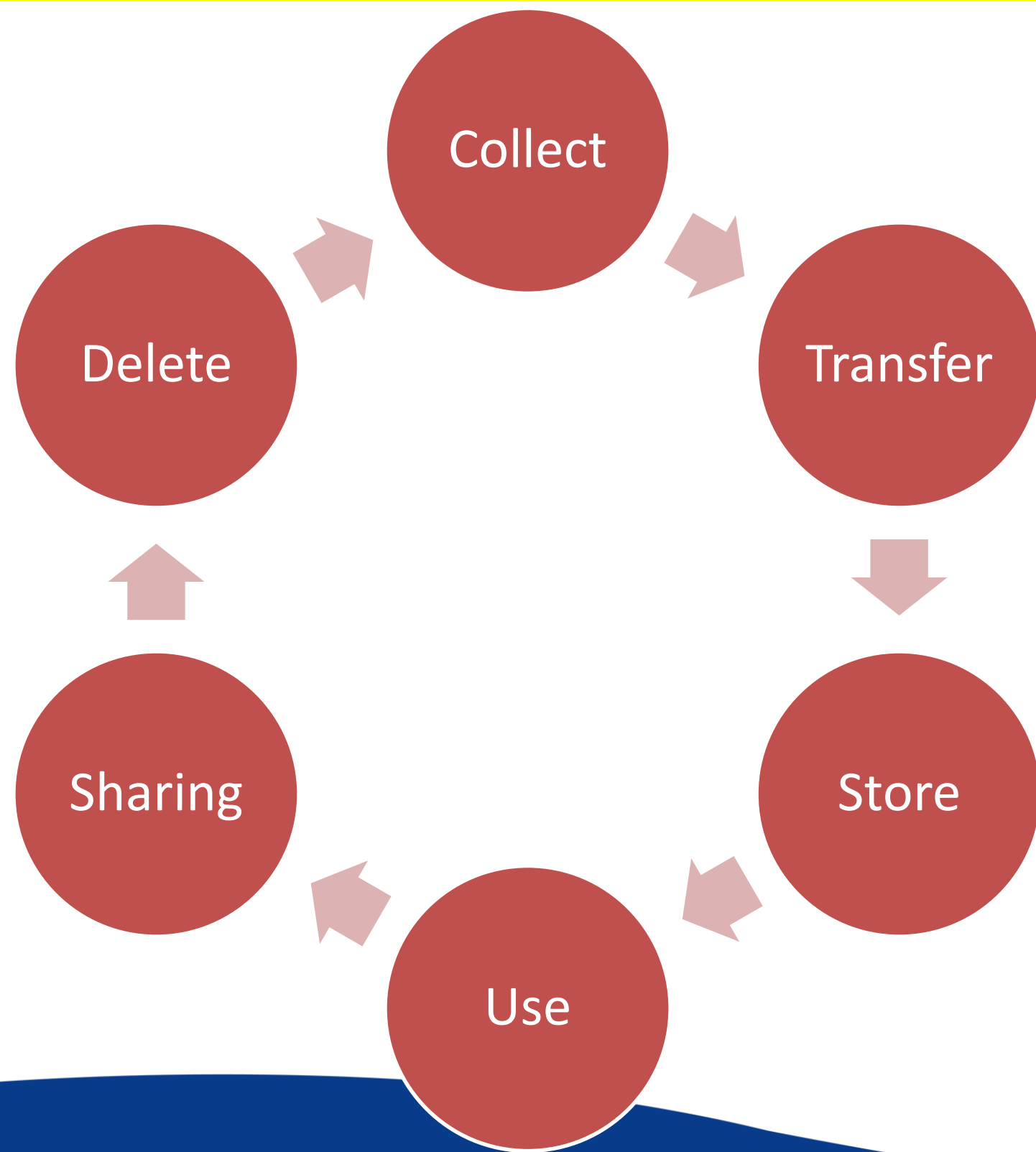
# Timeline (China's Three Pillars)



# EU GDPR vs China PIPL: One size fits all?



中港網絡安全協會  
HONG KONG CHINA NETWORK SECURITY ASSOCIATION



# EU GDPR vs China PIPL: Key differences

- Legitimate Interest is NOT available;
  - *how it affects marketing strategy?*
- Definition of SPI: outcome-based;
  - *how it affects customer data collection?*
- Separate consent requirement;
  - *how it affects user experience?*

# EU GDPR vs China PIPL: Key differences

- Privacy statement: *specific content requirements*;
- CBDT mechanisms: *from stringent to relaxation*
- PIPIA requirement: *specific scenario*;
- DPO role: *potential personal liability*;
- Data breach notification: *case by case*.

## Enforcement in China

- NO single supervisory authority in China;
- *Mobile app* focused;
- Monetary fines (RMB 50 million or 5% of turnover from previous year): Didi case (*USD1.2 Bln* for violation of the cybersecurity review); CNKI case (*USD6.9 million* for violation of PIPL);
- Civil litigation: recent court case against foreign hotel chain for violation of PIPL.

## What's next?

- PIPL Compliance Audit (*Draft national standard released in June*);
- Classification of "*Important Data*";
- Network Data Security Management Regulations (*passed by the PRC State Council in early September*);
- AI Legislation



# Thank you!

# 谢谢!

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# Data Protection Compliance in the Data Era

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## Data Protection Compliance in the Data Era

DFS is a leading travel retailer runs more than **40** stores in **14** countries





## Data Protection Compliance in the Data Era

In the new data era, customer data presents significant opportunities for our business as well as escalating challenges, particularly in the following areas:



# Data Protection Compliance in the Data Era

a. Complex consent management: take PIPL CBDT consent as an example



## 01 Consent need to be triggered under certain circumstances

- e.g. When customer registers in Mainland China Stores by scanning the QR code



## 02 Consent needs to be stored properly



## 03 Who must provide consent?

- The question of consent may be complex; for instance, how do we handle a customer registered in Macau but purchasing in China? All potential scenarios must be considered.



# Data Protection Compliance in the Data Era

b. Where to store the data?



01

Most companies have major CRM systems or data platform outside of Mainland China border.



02

Business wants single customer view for Business Intelligence.



03

Sensitive personal data is subject to more stringent restrictions.

# Data Protection Compliance in the Data Era

c. How to train my employees?

1. Implement Global Data Privacy E-learning modules

2. Conduct phased training sessions

3. Distribute quick-reference guides to Store Sales Associates

4. Host events, including Data Privacy Day

5. Integrate data protection into onboarding procedure

# Data Protection Compliance in the Data Era

## d. Committees and organizations



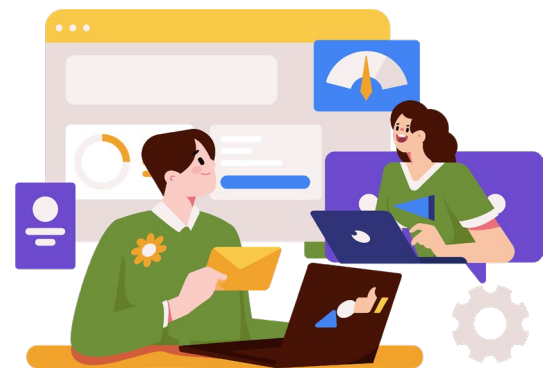
01

Dedicated DPO team → ensure the achievement of objectives & establishes a strong organization foundation



02

Identify and manage Data Champions/Owners, data stewards, and Privacy Champions



03

Committee Meetings (Include AI Committee Meeting, Incident Response Team (when there is a data breach),  
Data Protection and Security Committee Meeting, CBDT Strategy Committee)

Thank you!