Technology, Data Protection & Cybersecurity

Special Edition

Cross-border Data Transfer Regulatory Developments in China

Dedicated to Excellence

杰出 所以安心

Beijing – Shanghai – Shenzhen – Hong Kong – Haikou – Nanjing – Xiamen

BACKGROUND OF THE GUIDELINES

On 1 September 2022, the Cyberspace Administration of China ("**CAC**") issued the Guidelines for Outbound Data Transfer Security Assessment Applications ("**Guidelines**"). The Guidelines were specially formulated to help data processors complete security assessments for outbound data transfers in a standardised and orderly manner. The Guidelines supplement the Measures for the Security Assessment of Outbound Data Transfers ("**Measures**"), promulgated on 7 July 2022, which created a legal framework for the regulation of outbound data transfers from China that involve:

> *(1) outbound transfer of important data by a data processor; (2) outbound transfer of personal information by a critical information infrastructure operator or a personal information processor who has processed the personal information of more than 1,000,000 people; (3) outbound transfer of personal information by a personal information processor who has made outbound transfers of the personal information of 100,000 people cumulatively or the sensitive personal information of 10,000 people cumulatively since 1 January of the previous year; or (4) other circumstances where an application for the security assessment of an outbound data transfer is required…*

The Guidelines consist of 4 sections and 4 annexes. The annexes include a list of materials required for applications, a standardised power of attorney, a standard application form, and a template for completing self-assessments.

The 4 annexes are indispensable for entities that want to transfer data out of China. As such, we thought that it might be helpful to our clients and overseas professional colleagues if we prepared a translation for them to enjoy!

ABOUT THIS TRANSLATION

The Technology, Data Protection & Cyber Security Team of AnJie Broad Law Firm prepared this translation.

While all due care and effort have been made to translate this document, it is not an official translation of the Government of the People's Republic of China and is only provided for the convenience and reference of readers.

If you have any questions about this document or require legal services in relation to cross-border data transfers from China to another country or region, please contact:

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数据出境安全评估申报指南（第一版）

GUIDELINES FOR OUTBOUND DATA TRANSFER SECURITY ASSESSMENT APPLICATIONS

(1ST EDITION)

《数据出境安全评估办法》自2022年9月1日起施行。为指导和帮助数据处理者规范、有序申报数据出境安全评估，特制定本指南。

The Measures for the Security Assessment of Outbound Data Transfers will be implemented from 1 September 2022. These guidelines are specially formulated to guide and help data processors complete their security assessments for outbound data transfers in a standardised and orderly manner.

一、适用范围

SCOPE OF APPLICATION

数据处理者向境外提供数据，有下列情形之一的，应当通过所在地省级网信办向国家网信办申报数据出境安全评估：

In any of the following circumstances, a data processor that transfers data overseas shall declare the data transfer to the Cyberspace Administration of the People's Republic of China for a security assessment through the provincial-level Cyberspace Administration where it is located:

（一）   数据处理者向境外提供重要数据；

The data processor transfers important data overseas;

（二）   关键信息基础设施运营者和处理100万人以上个人信息的数据处理者向境外提供个人信息；

A critical information infrastructure operator or a data processor handling the personal information of over 1 million individuals transfers personal information overseas;

（三）   自上年1月1日起累计向境外提供10万人个人信息或者1万人敏感个人信息的数据处理者向境外提供个人信息；

A data processor who has transferred the personal information of 100,000 individuals or the sensitive personal information of 10,000 individuals overseas since 1 January of the previous year;

（四）   国家网信办规定的其他需要申报数据出境安全评估的情形。

Other circumstances stipulated by the Cyberspace Administration of China that require an outbound data security assessment application.

以下情形属于数据出境行为：

The following circumstances are deemed outbound data transfers:

（一） 数据处理者将在境内运营中收集和产生的数据传输、存储至境外；

A data processor transmits and stores data that was collected and generated during domestic business operations in an overseas location;

（二） 数据处理者收集和产生的数据存储在境内，境外的机构、组织或者个人可以查询、调取、下载、导出；

Data collected and generated by a data processor is stored in China, and overseas institutions, organisations or individuals can access, retrieve, download, or export that data;

（三） 国家网信办规定的其他数据出境行为。

Other outbound data transfer activities stipulated by the Cyberspace Administration of China.

二、 申报方式及流程

APPLICATION METHODS AND PROCEDURES

数据处理者申报数据出境安全评估，应当通过所在地省级网信办申报数据出境安全评估。申报方式为送达书面申报材料并附带材料电子版。

Data processors applying for outbound data transfer security assessments shall go through their local provincial-level cyberspace administration to apply for outbound data transfer security assessments. Application materials shall be submitted in both hard and soft copies.

省级网信办收到申报材料后，在5个工作日内完成申报材料的完备性查验。通过完备性查验的，省级网信办将申报材料上报国家网信办；未通过完备性查验的，数据处理者将收到申报退回通知。

After receiving the application materials, the provincial Cyberspace Administration checks the completeness of the application materials within 5 working days. If the applicant passes the completeness check, the provincial-level Cyberspace Administration will forward the application materials to the Cyberspace Administration of China. If the completeness check is not passed, the data processor will be notified that its application materials have been rejected.

国家网信办自收到省级网信办上报申报材料之日起7个工作日内，确定是否受理并书面通知数据处理者。

Within 7 working days of receiving the application materials submitted by the provincial-level Cyberspace Administration, the Cyberspace Administration of China decides whether to accept the application and notify the data processor of its decision in writing.

数据处理者如被告知补充或者更正申报材料，应当及时按照要求补充或者更正材料。无正当理由不补充或者更正申报材料的，安全评估将会终止。情况复杂的，数据处理者将被告知评估预计延长的时间。

If the data processor is notified to supplement or correct the application materials, it must supplement or correct them as required in a timely manner. The security assessment will be terminated if the application materials are not supplemented or corrected without good reason. The data processor will be given and notified of an extended deadline for the assessment in complicated situations.

评估完成后，数据处理者将收到评估结果通知书。对评估结果无异议的，数据处理者须按照数据出境安全管理相关法律法规和评估结果通知书的有关要求，规范相关数据出境活动；对评估结果有异议的，数据处理者可以在收到评估结果通知书15个工作日内向国家网信办申请复评，复评结果为最终结论。

Upon completion of the security assessment, the data processor will receive an assessment results notice. If there is no objection to the assessment results, the data processor must manage its outbound data transfer activities following relevant laws and regulations, and the requirements of the assessment results notice related to the security management of outbound data transfer. If there are any objections to the assessment results, the data processor may apply to the Cyberspace Administration of China for a re-evaluation within 15 working days of receiving the assessment results notice, and the re-evaluation results will be the final.

三、申报材料

APPLICATION MATERIALS

数据处理者申报数据出境安全评估，应当提交如下材料（数据出境安全评估申报材料要求见附件1）：

Data processors applying for outbound data security assessments shall submit the following materials to support their application (see Annex 1 for the requirements for outbound data transfer security assessment application materials):

1. 统一社会信用代码证件影印件

   Photocopy of its unified social credit code certificate;

2. 法定代表人身份证件影印件

   Photocopy of the legal representative's ID;

3. 经办人身份证件影印件

   Photocopy of the agent's ID;

4. 经办人授权委托书（模板见附件2）

Power of Attorney for the Agent (see Annex 2 for the template);

5. 数据出境安全评估申报书（模板见附件3）

   Outbound Data Transfer Security Assessment Application Form (see Annex 3 for the template);

6. 与境外接收方拟订立的数据出境相关合同或者其他具有法律效力的文件影印件

   Photocopy of a contract or other legally effective document related to the data transfer concluded with the overseas recipient;

7. 数据出境风险自评估报告（模板见附件4）

   Outbound Data Transfer Self-Risk-Assessment Report (see Annex 4 for the template); and

8. 其他相关证明材料

   Other relevant certification materials.

数据处理者对所提交材料的真实性负责，提交虚假材料的，按照评估不通过处理，并依法追究相应法律责任。

The data processor is responsible for ensuring the application materials' authenticity. If the data processor submits false materials, it will fail the security assessment, and the data processor will be investigated and face legal liability under the law.

四、申报咨询

APPLICATION CONSULTATION

电子邮箱：sjcj@cac.gov.cn

联系电话：010-55627135

Email: sjcj@cac.gov.cn

Tel: 010-55627135

附件：

ANNEXES:

1. 数据出境安全评估申报材料要求

   Outbound Data Transfer Security Assessment Application Material Requirements

2. 经办人授权委托书（模板）

   Power of Attorney from the Agent (Template)

3. 数据出境安全评估申报书（模板）

   Outbound Data Transfer Security Assessment Application Form (Template)

4. 数据出境风险自评估报告（模板）

   Outbound Data Transfer Self-Risk-Assessment Report (Template)

附件1

数据出境安全评估申报材料要求

OUTBOUND DATA TRANSFER SECURITY ASSESSMENT APPLICATION MATERIAL REQUIREMENTS

序号 Number	材料名称 Material name	要求 Requirements	备注 Remarks
1	统一社会信用代码证件 Unified social credit code certificate	影印件加盖公章 Photocopy with official seal	
2	法定代表人身份证件 Legal representatives' ID	影印件加盖公章 Photocopy with official seal	
3	经办人身份证件 Agent's ID	影印件加盖公章 Photocopy with official seal	
4	经办人授权委托书 Power of Attorney for the Agent	原件 Original	
5	数据出境安全评估申报书 Outbound Data Transfer Security Assessment Application Form		
5.1	承诺书 Letter of Commitment	原件 Original	
5.2	数据出境安全评估申报表 Outbound Data Transfer Security Assessment Application Table	原件 Original	

6	与境外接收方拟订立的数据出境相关合同或者其他具有法律效力的文件 A contract or other legally effective document related to the outbound data transfer with the overseas recipient	影印件加盖公章 Photocopy with an official seal	对数据出境相关约定条款作高亮、线框等显著标识。法律文件以中文版本为准，若仅有非中文版本，须同步提交准确的中文译本 Contractual clauses related to the outbound data transfer must be highlighted, circled, or otherwise prominently marked. The Chinese version of the legal documents prevails. However, if there is only a non-Chinese version, it should be submitted with an accurate Chinese translation.
7	数据出境风险自评估报告 Outbound Data Transfer Self-Risk-Assessment Report	原件 Original	
8	其他相关证明材料 Other relevant supporting materials	原件或影印件加盖公章 The original or photocopy stamped with an official seal.	相关证明材料以中文版本为准，若仅有非中文版本，须同步提交准确的中文译本 The Chinese version of relevant supporting materials prevails. However, if there is only a non-Chinese version, it should be submitted with an accurate Chinese translation.

在提交上述书面材料的同时，需通过光盘方式提交相应电子版文件。

All materials mentioned above must be submitted in soft copy on CD with original hardcopy application materials.

附件2

ANNEXE 2

经办人授权委托书

POWER OF ATTORNEY FOR THE AGENT

本人*姓名（身份证件号码：　）*系*数据处理者名称*的法定代表人，现授权我单位*姓名（身份证件号码：　）*为数据出境安全评估申报工作经办人。经办人代表我单位进行数据出境安全评估申报工作过程中的一切行为，包括所签署和上传的资料，我单位均予以承认，并将承担相应的法律责任。

I, [*SURNAME FORENAME*] ([*ID type*] *number: xxxxxxxxxx*), am the legal representative of *[the name of data processor, i.e., COMPANY*]. I authorise [*Name*] ([*ID type*] *number: xxxxxxxxxx*) in our company to be the agent in charge of the outbound data transfer security assessment application. Our company will acknowledge all actions the agent takes concerning the outbound data transfer security assessment application made on our behalf, including the signing and submission of application materials, and will bear all corresponding legal responsibilities.

授权委托期限：__年__月__日至__年__月__日

Authorisation period: From YYYY/MM/DD to YYYY/MM/DD.

经办人无转委托权。

The agent has no right to sub entrust.

单位名称（盖章）：

[COMPANY] (Seal)

法定代表人（签字）：

Legal Representative (Signature)

经办人（签字）：

Agent (Signature)

年　月　日

Year　　　Month　Day

附件3

ANNEXE 3

数据出境安全评估申报书（模板）

OUTBOUND DATA TRANSFER SECURITY ASSESSMENT APPLICATION (TEMPLATE)

填写说明：

Completion instructions:

一、由数据处理者法定代表人或其授权的数据出境安全评估申报工作经办人填写；

The legal representative of the data processor or agent authorised by them to be in charge of the outbound data transfer security assessment application should fill in this form;

二、有选择的地方请勾选左侧"□"符号，有横线的部分应当填写相关信息；

Where there is a choice, please tick the "□" symbol and provide relevant information for the underlined parts;

三、所涉及的用语，可参考《中华人民共和国网络安全法》、《中华人民共和国数据安全法》、《中华人民共和国个人信息保护法》和《数据出境安全评估办法》等法律法规和部门规章；

The terms used are defined in the "Cybersecurity Law of the People's Republic of China", the "Data Security Law of the People's Republic of China", the "Personal Information Protection Law of the People's Republic of China", the "Measures for the Security Assessment of Outbound Data Transfers" and other laws and regulations and departmental rules; and

四、由国家互联网信息办公室制定并负责解释。

The rules for Outbound Data Transfer Security Assessment Applications are formulated and interpreted by the Cyberspace Administration of China.

一、承诺书

LETTER OF COMMITMENT

本单位郑重承诺：

The undersigned company solemnly promises that:

一、申报出境数据的收集、使用符合中华人民共和国有关法律法规规定；

The collection and use of declared outbound data complies with relevant laws and regulations of the People's Republic of China;

二、申报材料所有内容真实、完整、准确和有效；

All application material content is true, complete, accurate and valid;

三、为国家网信办组织实施的数据出境安全评估工作提供必要的配合和支持；

The undersigned will provide necessary cooperation and support for the outbound data transfer security assessment work organised and implemented by the Cyberspace Administration of China;

四、自评估工作为申报之日前3个月内完成，且至申报之日未发生重大变化。

The self-assessment work was completed within 3 months before the application date, and there has been no material change in circumstances until the application date.

本单位知晓并充分理解上述承诺内容，若承诺不实或者违背承诺，愿意承担相应法律责任。

This undersigned knows and fully understands the content of the above commitments and is willing to bear corresponding legal liability for breaching any of the above commitments.

法定代表人（签字）：

Legal Representative (Signature)

单位（盖章）：

[COMPANY] (Seal)

年　月　日

Year　　　Month　Day

二、数据出境安全评估申报表

OUTBOUND DATA TRANSFER SECURITY ASSESSMENT APPLICATION TABLE

01 数据处理者情况 Data Processor's Particulars	单位名称 Company Name		单位性质 Nature of Business	
	单位注册地 Registered Address		办公所在地 Office Location	
	有效期 Validity Period		邮政编码 Postal Code	
	注册资金 Registered Capital		员工数量 Number of Employees	
	主营业务 Main Business			
	统一社会信用代码 Unified Social Credit Code			
02 法定代表人信息 Legal Representative's Particulars	姓名 Surname Forename		职务/国籍 Position/Nationality	
	联系电话 Contact Number		电子邮箱 Email	
	证件类型 ID Type		证件号码 ID Number	
03 数据安全负责人和管理机构信息 Data Security Responsible Person & Governing Institution	姓名 Surname Forename		职务/国籍 Position/Nationality	
	联系电话 Contact Number		电子邮箱 Email	
	证件类型 ID Type		证件号码 ID Number	
	机构名称 Institution Name		机构人数 No. of Institution	

			Employees	
04 经办人信息 Information about the Agent	姓名 Surname Forename		职务/国籍 Position/Nationality	
	联系电话 Contact Number		电子邮箱 Email	
	证件类型 ID Type		证件号码 ID Number	
05 数据出境业务描述 Business Scenario for Outbound Data Transfer				
06 数据出境的目的 Purpose of Outbound Data Transfer				
07 数据出境的方式 Method of Outbound Data Transfer				
08 数据出境链路 Link for Outbound Data Transfer				
09 拟出境数据情况 Information about Outbound Data	数据类型 Data Type	□重要数据 Important data □个人信息 Personal information	敏感程度（如为个人信息） Degree of sensitivity (applicable for personal information).	
	数据规模 Data Scale	MB/GB/TB	涉及行业/领域 Industry/Field Involved	
	涉及自然人数量		涉及重要数据数量	

	Number of Individuals Involved		Amount of Important Data Involved	
10 境外接收方情况 Overseas Recipient Situation	境外接收方名称 Name of Overseas Recipient		所在国家或者地区 Country or Region	
	所在地址 Address		注册登记号码 Registration Number	
	注册资金 Registered Capital		员工数量 Number of Employees	
	负责人姓名 Name of Responsible Person		负责人职务 Position of Responsible Person	
	联系电话 Contact Number		电子邮箱 Email	
	证件类型 ID Type		证件号码 ID Number	
	主营业务 Main Business			
11 境外接收方数据安全责任人和管理机构情况 Overseas Recipient Data Security Responsible Person & Governing Institution	姓名 Surname Forename		职务 Position	
	联系电话 Contact Number		电子邮箱 Email	
	证件类型 ID Type		证件号码 ID Number	
	机构名称 Institution Name		机构人数 No. of Institution Employees	
12 法律文件 Legal Documents	法律文件名称列表：_____ List of Legal Document Names:_____			

13 相关条款在法律文件中的页码及条款 Page Numbers & Clauses of Relevant Terms in Legal Documents	1. 数据出境的目的、方式和数据范围，境外接收方处理数据的用途、方式等。 The purpose, method and scope of outbound data transfer, the purpose and method of data processing by the overseas recipient, etc. 所在文件名称及页码 The name and page number of document(s)_____ 所述条款 Relevant terms_____ 2. 数据在境外保存地点、期限，以及达到保存期限、完成约定目的或者法律文件终止后出境数据的处理措施。 The place and period of data retention abroad, and measures for handling outbound data after the retention period expires, the agreed purpose is completed, or the legal document is terminated. 所在文件名称及页码 The name and page number of document(s)_____ 所述条款 Relevant terms_____ 3. 对于境外接收方将出境数据再转移给其他组织、个人的约束性要求。 Binding restrictions on foreign recipients transferring outbound data to other organisations and individuals. 所在文件名称及页码 The name and page number of document(s)_____ 所述条款 Relevant terms_____ 4. 境外接收方在实际控制权或者经营范围发生实质性变化，或者所在国家、地区数据安全保护政策法规和网络安全环境发生变化以及发生其他不可抗力情形导致难以保障数据安全时，应当采取的措施。 Measures that the overseas recipient must take when there is a substantial change in its actual control or business scope or when the data security protection policies and regulations of the country or region where it is located and the network security environment changes, as well as other force majeure circumstances that make it difficult to ensure data security. 所在文件名称及页码 The name and page number of document(s)_____ 所述条款 Relevant terms_____ 5. 违反法律文件约定的数据安全保护义务的补救措施、违约责任和争议解决方式。 Remedies, liability for breaches and dispute resolution mechanisms for breaching data security obligations as stipulated in legal documents. 所在文件名称及页码 The name and page number of document(s)_____ 所述条款 Relevant terms_____

	6. 出境数据遭到篡改、破坏、泄露、丢失、转移或者被非法获取、非法利用等风险时，妥善开展应急处置的要求和保障个人维护其个人信息权益的途径和方式。 When outbound data is tampered with, destroyed, leaked, lost, transferred, illegally obtained, or illegally used, the requirements for proper emergency handling and the ways and means for individuals to safeguard their personal information rights and interests. 所在文件名称及页码 The name and page number of document(s)_____ 所述条款 Relevant terms_____
14 数据处理者遵守中国法律、行政法规、部门规章情况 Information Regarding Data Processor's Compliance with the Laws, Regulations and Departmental Rules of the People's Republic of China	

填表说明

INSTRUCTIONS FOR FILLING OUT THE APPLICATION FORM

1．申报书01项中的单位名称、性质、注册地、有效期、注册资金等怎么填写？

HOW TO FILL IN COMPANY NAME, NATURE OF BUSINESS, REGISTERED ADDRESS, VALIDITY PERIOD, REGISTERED CAPITAL, ETC. OF THE COMPANY IN ITEM 01 OF THE APPLICATION FORM?

数据处理者应当对照统一社会信用代码证件中的机构名称、机构性质/类型、有效期等栏目填写。单位注册地应具体到城市，如北京市、河北省石家庄市等。单位办公所在地应具体到门牌号，如北京市海淀区X 路 X号。表中注册资金均需明确币种和金额。

The data processors should fill in the fields in accordance with information in the uniform social credit code certificate, such as the name of the institution, the nature/type of the institution, and the validity period. Registered Address should specify the city, such as Beijing Municipality, Shijiazhuang City of Hebei Province, etc. Office Location should specify the building number, such as X Road X, Haidian District, Beijing. Registered Capital in the table should specify the currency and amount.

2．申报书02、03、04项证件类型怎么填写？

HOW TO FILL IN THE ID TYPE IN ITEMS 02, 03 AND 04 OF THE APPLICATION FORM?

可根据实际情况选择填写居民身份证、护照、台湾居民来往大陆通行证、港澳居民来往内地通行证等。

Please fill in this item in accordance with the actual situation. For example, resident identity card, passport, Taiwan residents' mainland travel permit, Hong Kong, and Macao residents' mainland travel permit, etc.

3．申报书05项中数据出境业务描述怎么填写？

HOW TO FILL IN THE DESCRIPTION OF THE BUSINESS SCENARIO FOR OUTBOUND DATA TRANSFER IN ITEM 05 OF THE APPLICATION FORM?

据实填写此次申报的数据出境业务，应与法律文件中涉及业务名称一致。

The business scenario for outbound data transfer in the application should be truthfully described and consistent with the name of the business involved in the legal documents.

4．申报书06项中数据出境的目的怎么填写？

HOW TO FILL IN THE PURPOSE OF OUTBOUND DATA TRANSFER IN ITEM 06 OF THE APPLICATION FORM?

如开展业务合作、技术研究、经营管理等，需具体阐述。

For example, business cooperation, technical research, operation and management, etc., the purpose must be specifically described.

5．申报书07项数据出境的方式怎么填写？

HOW TO FILL IN THE METHOD OF OUTBOUND DATA TRANSFER IN ITEM 07 OF THE APPLICATION FORM?

说明数据出境的方式，如公共互联网传输、专线传输等。

Explain the method of outbound data transfer, such as public Internet transmission, private line transmission, etc.

6．申报书08项数据出境链路怎么填写？

HOW TO FILL IN THE LINK FOR OUTBOUND DATA TRANSFER IN ITEM 08 OF THE APPLICATION FORM?

说明数据出境的链路，如链路提供商、链路数量与带宽、境内外落地数据中心名称及机房物理位置、IP地址等。

Describe the links for outbound data transfer, such as link providers, amount of links and bandwidth, the name of the data centre where it lands inside and outside China, the physical location of the computer room, and the IP address, etc.

7．申报书09项拟出境数据情况怎么填写？

HOW TO FILL IN THE INFORMATION ABOUT OUTBOUND DATA IN ITEM 09 OF THE APPLICATION FORM?

关于个人信息的敏感程度，可参照国家标准《信息安全技术 个人信息安全规范》。

Regarding the sensitivity of personal information, please refer to the national standard "Information Security - Personal Information Security Specifications".

涉及行业/领域填写出境数据涉及的行业领域范围，如工业、电信、金融、交通、自然资源、卫生健康、能源、教育、科技、国防科工等。

"Industry/Field Involved" should be the scope of industries/sectors involved in the outbound data transfer, such as telecommunications, finance, transportation, natural resources, health, energy, education, science and technology, national defence science and industry, etc.

8． 申报书13项相关条款在法律文件中的页码怎么填写？

HOW TO FILL IN THE PAGE NUMBER OF THE RELEVANT TERMS OF THE LEGAL DOCUMENT IN ITEM 13 OF THE APPLICATION FORM?

数据处理者填写对应法律文件条款所在的页码，并对相关条款作高亮、线框等显著标识。

The data processor should fill in the page number of the corresponding legal document clauses; highlight, circle or otherwise predominantly mark such relevant clauses.

9． 申报书14项遵守中国法律、行政法规、部门规章情况怎么填写？

HOW TO FILL IN INFORMATION REGARDING THE DATA PROCESSOR'S COMPLIANCE WITH THE LAWS, REGULATIONS AND DEPARTMENT RULES OF THE PEOPLE'S REPUBLIC OF CHINA IN ITEM 14 OF THE APPLICATION FORM?

数据处理者简述近2年在业务经营活动中受到行政处罚和有关主管监管部门调查及整改情况，重点说明数据和网络安全方面相关情况。

The data processor should briefly describe the administrative penalties imposed on its business operations in the past 2 years and the investigation and rectification measures stipulated by the relevant competent regulatory departments, focusing on the relevant data and network security matters.

附件4

数据出境风险自评估报告（模板）

OUTBOUND DATA TRANSFER SELF-RISK-ASSESSMENT REPORT (TEMPLATE)

数据处理者名称：＿＿＿（盖章）＿＿＿

年　月　日

Data processor name:＿＿(stamped)＿＿

Year　month　day

说明：

Description:

（一）　数据处理者申报数据出境安全评估时需提供自评估报告；

　The data processor shall provide a self-assessment report when applying for an outbound data transfer security assessment;

（二）　数据处理者须对所提交的自评估报告及附件材料真实性负责；

The data processor is responsible for the authenticity of the self-assessment report and any materials attached and submitted;

（三）　本报告所述自评估活动为本次申报前3个月内完成；

The self-assessment activities described in this report must be completed within 3 months before this application;

（四）　如有第三方机构参与自评估，须在自评估报告中说明第三方机构的基本情况及参与评估的情况，并在相关内容页上加盖第三方机构公章。

If a third-party agency participates in the self-assessment, the basic situation of the third-party institution and its participation in the assessment must be explained in the self-assessment report, and the official seal of the third-party institution must be affixed on the relevant content page.

一、 自评估工作简述

BRIEF DESCRIPTION OF SELF-ASSESSMENT WORK

自评估工作开展情况，包括起止时间、组织情况、实施过程、实施方式等内容。

Information regarding the implementation of the self-assessment work, including the start and end time, organisational situation, implementation process, implementation method, etc.

二、 出境活动整体情况

THE OVERALL SITUATION OF OUTBOUND ACTIVITIES

详细说明数据处理者基本情况、数据出境涉及的业务和信息系统、出境数据情况、数据处理者安全保障能力情况、境外接收方情况、法律文件约定情况等。包括不限于：

Provide details about the basic information about the data processor, the business and information system involved in the outbound data transfer, information about the outbound data, the security capabilities of the data processor, information about the overseas recipient, legal documents, etc. Details include but are not limited to:

（一） 数据处理者基本情况

Basic Information about the Data Processor

1. 组织或者个人基本信息；

   Particulars of the organisation or individual;

2. 股权结构和实际控制人信息；

   Information about equity structure and actual controller;

3. 组织架构信息；

   Information about organisational structure;

4. 数据安全管理机构信息；

   Information about its data security management institution/department/team;

5. 整体业务与数据情况；

   Information about overall business and data;

6. 境内外投资情况。

   Domestic and foreign investments.

（二） 数据出境涉及业务和信息系统情况

Business and Information Systems Involved in the Outbound Data Transfer

1. 数据出境涉及业务的基本情况；

   Basic information of the business involved in the outbound data transfer;

2. 数据出境涉及业务的数据资产情况；

   Information about data assets involved in the outbound data transfer;

3. 数据出境涉及业务的信息系统情况；

Information about information systems involved in the outbound data transfer;

4. 数据出境涉及的数据中心（包含云服务）情况；

Information about datacentres (including cloud services) involved in the outbound data transfer;

5. 数据出境链路相关情况。

Information about links for outbound data transfer.

（三） 拟出境数据情况

Information about the Outbound Data

1. 说明数据出境及境外接收方处理数据的目的、范围、方式，及其合法性、正当性、必要性；

Explain the purpose, scope, and method of data processing by the overseas recipients, as well as the lawfulness, legitimacy, and necessity of such processing;

2. 说明出境数据的规模、范围、种类、敏感程度；

Explain the scale, scope, type, and sensitivity of outbound data;

3. 拟出境数据在境内存储的系统平台、数据中心等情况，计划出境后存储的系统平台、数据中心等；

The system platform and data centre where the outbound data is stored in China, and the system platform and data centre where it will be stored after the transfer;

4. 数据出境后向境外其他接收方提供的情况。

Information regarding onward transfers after the data is exported.

（四） 数据处理者数据安全保障能力情况

Data Security Capabilities of the Data Processor

1. 数据安全管理能力，包括管理组织体系和制度建设情况，全流程管理、分类分级、应急处置、风险评估、个人信息权益保护等制度及落实情况；

Data security management capabilities, including the management of organisational systems and system construction, the whole process management, classification and grading, emergency responses, risk assessments, personal information rights and interests protection, and the implementation of such systems;

2. 数据安全技术能力，包括数据收集、存储、使用、加工、传输、提供、公开、删除等全流程所采取的安全技术措施等；

Data security technical capabilities, including technical security measures adopted for the whole process of data collection, storage, use, processing, transmission, provision, disclosure, deletion, etc.;

3. 数据安全保障措施有效性证明，例如开展的数据安全风险评估、数据安全能力认证、数据安全检查测评、数据安全合规审计、网络安全等级保护测评等情况；

Evidence of the effectiveness of data security measures, such as data security risk assessments, data security capability certification, data security tests and assessments, data security compliance audits, MLPS assessment, etc.; and

4. 遵守数据和网络安全相关法律法规的情况。

Compliance with laws and regulations related to data and cybersecurity.

（五） 境外接收方情况

Information about the Overseas Recipient

1. 境外接收方基本情况；

   Particulars of the overseas recipient;

2. 境外接收方处理数据的用途、方式等；

   Purposes and methods of data processing by the overseas recipient;

3. 境外接收方的数据安全保障能力；

   Data security capabilities of the overseas recipient;

4. 境外接收方所在国家或地区数据安全保护政策法规和网络安全环境情况；

   Data security protection policies and regulations in the overseas recipient's country or region and the network security environment;

5. 境外接收方处理数据的全流程过程描述。

   Description of the whole process of data processing by the overseas recipient.

（六） 法律文件约定数据安全保护责任义务的情况

Terms in the Legal Documents Stipulating Responsibilities and Obligations for Data Security Protection

1. 数据出境的目的、方式和数据范围，境外接收方处理数据的用途、方式等；

   The purpose, method and scope of data to be transferred overseas, the purpose and method of data processing by the overseas recipient, etc.;

2. 数据在境外保存地点、期限，以及达到保存期限、完成约定目的或者法律文件终止后出境数据的处理措施；

   The location and duration of overseas data retention, as well as measures for handling outbound data after the retention period has expired, the contractual purposes have been fulfilled, or the legal documents have been terminated;

3. 对于境外接收方将出境数据再转移给其他组织、个人的约束性要求；

   Binding restrictions on overseas recipients concerning onward transfers to other organisations and individuals;

4. 境外接收方在实际控制权或者经营范围发生实质性变化，或者所在国家、地区数据安全保护政策法规和网络安全环境发生变化以及发生其他不可抗力情形导致难以保障数据安全时，应当采取的安全措施；

   Security measures that should be taken when the actual control or business scope of the overseas recipient changes substantially, when the data security protection policies, regulations, and network security environment of its country or region changes, or some other force majeure situation occurs that make it difficult to ensure data security;

5. 违反法律文件约定的数据安全保护义务的补救措施、违约责任和争议解决方式；

   Remedies, liability for breach of contract and dispute resolution mechanisms for breaches of data security protection obligations stipulated in legal documents;

6. 出境数据遭到篡改、破坏、泄露、丢失、转移或者被非法获取、非法利用等风险时，妥善开展应急处置的要求和保障个人维护其个人信息权益的途径和方式。

   When outbound data is tampered with, destroyed, leaked, lost, transferred, illegally acquired or illegally used, the requirements for appropriate emergency handling and appropriate ways and means to protect individuals' rights and interests in safeguarding their personal information.

（七） 数据处理者认为需要说明的其他情况

Other Information that the Data Processor Deems Necessary to Clarify

三、 拟出境活动的风险评估情况

RISK ASSESSMENT OF PLANNED OUTBOUND ACTIVITIES

就下列事项逐项说明风险评估情况，重点说明评估发现的问题和风险隐患，以及相应采取的整改措施及整改效果。

Explain the risk assessment item by item for the following, focusing on the problems and potential risks found in the assessment and the corresponding rectification measures and results.

（一） 数据出境和境外接收方处理数据的目的、范围、方式等的合法性、正当性、必要性；

The lawfulness, legitimacy and necessity of the purpose, scope, and method of data processing by the overseas recipient;

（二） 出境数据的规模、范围、种类、敏感程度，数据出境可能对国家安全、公共利益、个人或者组织合法权益带来的风险；

The scale, scope, type, and sensitivity of outbound data, and the risks that may arise from the outbound transfer of the data to national security, public interests, and the legitimate rights and interests of individuals or organisations;

（三） 境外接收方承诺承担的责任义务，以及履行责任义务的管理和技术措施、能力等能否保障出境数据的安全；

The responsibilities and obligations undertaken by the overseas recipient, as well as whether its organisational and technical measures and capabilities can fulfil those responsibilities and obligations to ensure the security of outbound data;

（四） 数据出境中和出境后遭到篡改、破坏、泄露、丢失、转移或者被非法获取、非法利用等的风险，个人信息权益维护的渠道是否通畅等；

The risk that data will be tampered with, destroyed, leaked, lost, transferred, or illegally acquired or used during or after the data is exported, and whether the channels for the protection of personal information rights and interests are smooth;

（五） 与境外接收方拟订立的数据出境相关合同或者其他具有法律效力的文件等，是否充分约定了数据安全保护责任义务；

Whether the data security protection responsibility obligations are sufficiently stipulated in the outbound data transfer contracts or other legally effective documents concluded with overseas recipients;

（六） 其他可能影响数据出境安全的事项。

Other matters that may affect the security of outbound data transfer.

四、 拟出境活动风险自评估结论

CONCLUSION OF SELF-ASSESSMENT OF THE RISKS OF OUTBOUND ACTIVITIES

综合上述风险评估情况和相应整改情况，对拟申报的数据出境活动作出客观的风险自评估结论，充分说明得出自评估结论的理由和论据。

In light of the above risk assessment and corresponding mitigation measures, an objective self-risk-assessment conclusion should be made for the outbound data transfer application. The reasons and justifications for reaching the self-assessment conclusions should be fully explained.