

<b>发文机关</b> 国家互联网信息办公室	<b>Promulgation Authorities:</b> Cyberspace Administration of China
<b>发布日期</b> 2023.05.30	<b>Promulgation Date:</b> 2023.05.30
<b>生效日期</b> 2023.05.30	<b>Effective Date:</b> 2023.05.30
<b>时效性</b> 现行有效	<b>Validity Status:</b> valid

### 个人信息出境标准合同备案指南（第一版）

《个人信息出境标准合同办法》自2023年6月1日起施行。为指导和帮助个人信息处理者规范、有序备案个人信息出境标准合同（以下简称标准合同），特制定本指南。

#### 一、适用范围

个人信息处理者通过订立标准合同的方式向境外提供个人信息的，应当同时符合下列情形：

### Guide to the Filing of the Standard Contract for Outbound Transfer of Personal Information (First Edition)

The Measures for the Standard Contract for Outbound Transfer of Personal Information shall come into force as of June 1, 2023. This Guide is hereby formulated in order to guide and help personal information handlers file the standard contract for outbound transfer of personal information (hereinafter referred to as the "Standard Contract" in short) in a standardized and orderly manner.

#### I . Scope of Application

Where a personal information handler provides personal information abroad by concluding a standard contract, all of the following circumstances shall be met

<p>(一) 非关键信息基础设施运营者;</p>	<p>concurrently: (I) It shall not be a critical information infrastructure operator;</p>
<p>(二) 处理个人信息不满100万人的;</p>	<p>(II) The number of people whose personal information is processed by it shall be less than one million;</p>
<p>(三) 自上年1月1日起累计向境外提供个人信息不满10万人的;</p>	<p>(III) The number of people whose personal information has been provided abroad accumulatively shall be less than 100,000 since January 1 of the previous year; and</p>
<p>(四) 自上年1月1日起累计向境外提供敏感个人信息不满1万人的。</p>	<p>(IV) The number of people whose sensitive personal information has been provided abroad accumulatively shall be less than 10,000 since January 1 of the previous year.</p>
<p>法律、行政法规或者国家网信部门另有规定的，从其规定。</p>	<p>Where laws, administrative regulations or the Cyberspace Administration of China ("CAC") stipulates otherwise, such provisions shall prevail.</p>
<p>个人信息处理者不得采取数量拆分等手段，将依法应当通过出境安全评估的个人信息通过订立标准合同的方式向境外提供。</p>	<p>Personal information handlers shall not take such means as quantity splitting to provide overseas personal information that should pass exit security assessment according to law by entering into a Standard Contract.</p>
<p>以下情形属于个人信息出境行为：</p>	<p>The following circumstances are deemed as acts of outbound transfer of personal information:</p>
<p>(一) 个人信息处理者将在境内运营中收集和产生的个人信息传输、</p>	<p>(I) where a personal information handler transfers or stores abroad the personal information</p>

存储至境外；

(二) 个人信息处理者收集和产生的个人信息存储在境内，境外的机构、组织或者个人可以查询、调取、下载、导出；

(三) 国家网信办规定的其他个人信息出境行为。

## 二 、 备案方式

个人信息处理者应当在标准合同生效之日起10个工作日内，通过送达书面材料并附带材料电子版的方式，向所在地省级网信办备案。

## 三 、 备案流程

标准合同备案流程包括材料提交、材料查验及反馈备案结果、补充或者重新备案等环节。

### (一) 材料提交

个人信息处理者备案标准合同，应当提交如下材料（要求见附件1）：

collected and generated in its domestic operation;

(II) where the personal information collected and generated by a personal information handler is stored domestically but can be inquired, retrieved, downloaded and exported by overseas institutions, organizations or individuals; and

(III) other acts of outbound transfer of personal information as prescribed by the CAC.

## II . Methods of Filing

A personal information handler shall, within ten working days from the effective date of a Standard Contract, file the Standard Contract with the local provincial cyberspace administration for the record by serving written materials attached with the electronic version thereof.

## III . Filing Process

The filing process for a Standard Contract includes such steps as material submission, inspection and verification of materials, feedback on filing results, supplementation or re-filing, etc.

### (I) Submission of Materials

To file a Standard Contract, a personal information handler shall submit the following materials (see Appendix I for

1.统一社会信用代码证件影印件	1. photocopy of the unified social credit code certificate;
2.法定代表人身份证件影印件	2. photocopy of the identity document of the legal representative;
3.经办人身份证件影印件	3. photocopy of the identity document of the handling person;
4.经办人授权委托书 (模板见附件2)	4. power of attorney to the handling person (see Appendix II for the template);
5.承诺书 (模板见附件3)	5. letter of commitment (see Appendix III for the template);
6.标准合同 (范本见附件4)	6. Standard Contract (see Appendix IV for the template); and
7.《个人信息保护影响评估报告》(模板见附件5)	7. Personal Information Protection Impact Assessment Report (see Appendix V for the template).

(二) 材料查验及反馈备案结果

省级网信办收到材料后，在15个工作日内完成材料查验，并通知个人信息处理者备案结果。

备案结果分为通过、不通过。通过备案的，省级网信办向个人信息处理者发放备案编号；不通过备案的，个人信息处理者将收到备案未成功通知及原因，要求补充完善材料的，个人信息处理者应当补充完善材料并于10个工作日内再次提交。

requirements):

1. photocopy of the unified social credit code certificate;
2. photocopy of the identity document of the legal representative;
3. photocopy of the identity document of the handling person;
4. power of attorney to the handling person (see Appendix II for the template);
5. letter of commitment (see Appendix III for the template);
6. Standard Contract (see Appendix IV for the template); and
7. Personal Information Protection Impact Assessment Report (see Appendix V for the template).

(II) Check of Materials and Feedback on Filing Results

The provincial cyberspace administration shall, within 15 working days upon receipt of the materials, complete the check of the materials and notify the personal information handler of the filing results.

The filing results are divided into Passed and Failure. The provincial cyberspace administration will issue a filing number to the personal information handler if the filing is passed, otherwise, the personal information handler will receive a notice on unsuccessful filing

<p>(三) 补充或者重新备案</p> <p>在标准合同有效期内出现下列情形之一的，个人信息处理者应当重新开展个人信息保护影响评估，补充或者重新订立标准合同，并履行相应备案手续：</p>	<p>and the reasons therefor. Where personal information handler is required to supplement and perfect materials, the personal information handler shall supplement and perfect the materials and submit them again within ten working days.</p> <p>(III) Supplementation or Re-filing</p> <p>Within the validity period of the Standard Contract, the personal information handler shall re-conduct an impact assessment of personal information protection, supplement or enter into a Standard Contract anew and perform relevant filing formalities under any of the following circumstances:</p>
<p>1.向境外提供个人信息的目的、范围、种类、敏感程度、方式、保存地点或者境外接收方处理个人信息的用途、方式发生变化，或者延长个人信息境外保存期限的；</p>	<p>1. where the purpose, scope, category, sensitivity, method and storage location of provision of personal information overseas or the overseas recipient's purpose or method to process personal information has changed, or the overseas storage period of personal information is to be extended;</p>
<p>2.境外接收方所在国家或者地区的个人信息保护政策和法规发生变化等可能影响个人信息权益的；</p>	<p>2. where the rights and interests of personal information may be affected by changes in the policies and regulations on personal information protection of the country or region where the overseas recipient is located; or</p>
<p>3.可能影响个人信息权益的其他情形。</p>	<p>3. any other circumstance that may affect the rights and interests of personal</p>

个人信息处理者在标准合同有效期内补充订立标准合同的，应当向所在地省级网信办提交补充材料；重新订立标准合同的，应当重新备案。补充或者重新备案的材料查验时间为15个工作日。

个人信息处理者对所提交材料的真实性负责，提交虚假材料的，按照备案不通过处理，并依法追究相应法律责任。

#### 四、咨询、举报联系方式

电子邮箱：bzht@cac.gov.cn

联系电话：010-55627565

附件：

- 1.个人信息出境标准合同备案材料要求
- 2.经办人授权委托书（模板）
- 3.承诺书（模板）
- 4.个人信息出境标准合同（范本）

information.

To conclude a supplemental Standard Contract within the term of the Standard Contract, the personal information handler shall submit supplementary materials to the local provincial cyberspace administration; a Standard Contract re-concluded shall be filed anew. The time limit for the check of the supplemented or re-filed materials is 15 working days.

The personal information handler shall be responsible for the authenticity of the materials submitted by it. In case of false materials submitted, the filing shall be deemed as failure and the corresponding legal liability will be investigated in accordance with the law.

#### IV

Contact Details for Consultation and Whistleblowing

E-mail: bzht@cac.gov.cn

Tel.: 010- 55627565

Appendices:

## 5.个人信息保护影响评估报告（模板）

1. Requirements for Filing Materials for a Standard Contract for Outbound Transfer of Personal Information

2. Power of Attorney for a Handler (Template)

3. Letter of Commitment (Template)

4. Standard Contract for Outbound Transfer of Personal Information (Template)

5. Personal Information Protection Impact Assessment Report (Template)



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