

March 8, 2023

1. Data Security: First Two Cases Passed CBDT Security Assessment

According to the PRC Personal Information Protection Law (“PIPL”) which took effect on November 1, 2021, an entity can choose either one of the following three ways in order to be authorized to send data abroad (Article 38 related to cross-border data transfers (“CBDT”)):

First Way: passing the security assessment from the **governmental organization**.

Second Way: obtaining a certification from a specialized institution.[1]

Third Way: signing a standard contract.[2]

For the First Way, the Security Assessment Measures for Outbound Data Transfers effective on September 1, 2022 (with six months grace period) provides that an entity shall complete two steps:

1. First, file an application to local cyberspace administration at the provincial level to complete the examination of the completeness of declaration materials.

2. Second, if the declaration materials are complete, the application will be transferred from local cyberspace administration to the Cyberspace Administration of China (“CAC”) for final approval.

Till now, only two local cyberspace administrations have disclosed the statistics of CBDT security assessment filing, which are Beijing CAC and Shanghai CAC.

The disclosed information for the number of enterprises involved in Beijing’s and Shanghai’s CBDT security assessment is as follows:

Beijing

till Feb 22, 2023

Application has been filed

48 enterprises[3]

(142 enterprises reached Beijing CAC to express that they are willing to file the application, many of which are still preparing the application)

Declaration materials are completed

13 enterprises[4]

Approval obtained by CAC

2 enterprises[5]

Shanghai

till Feb 1, 2023

Application has been filed

67 enterprises

Declaration materials are completed

17 enterprises

Approval obtained by CAC

0 enterprise

Beijing CAC also highlights that the deadline of filing on March 1, 2023 is approaching. Enterprises who carried out the CBDT shall file the application as soon as possible.

<https://mp.weixin.qq.com/s/mCS7dZluqs7LCevDUnd58g>

https://mp.weixin.qq.com/s/4IYcOmFNVOOtn_YqS6v3HA

<https://mp.weixin.qq.com/s/UCHITtp3dK2KVHtLQFAF2Q>

[1] Till February 20, only one institution’s name was released, which is China Cybersecurity Review Technology and Certification Center.

[2] It is still subject to a governmental record-filing, however, detailed rules are not yet released.

[3] Including but not limited to: Amazon, BMW, Samsung, GlaxoSmithKline, Bosler, Qunar, Xiaomi, JPMorgan Chase, Volkswagen, Lenovo, Hyundai Motor, Minsheng Bank, Toyota Motor, Sina Weibo, Daimler, Schneider Electric, swiss reinsurance, collaborative research project between Beijing Friendship Hospital of Capital Medical University and the University Medical Center of Amsterdam in the Netherlands, and the project of Air China Limited.

[4] Including but not limited to: Hyundai Motor, Minsheng Bank, Toyota Motor, Sina Weibo, Daimler, Schneider Electric, swiss reinsurance, collaborative research project between Beijing Friendship Hospital of Capital Medical University and the University Medical Center of Amsterdam in the Netherlands, and the project of Air China Limited.

[5] One is the collaborative research project between Beijing Friendship Hospital of Capital Medical University and the University Medical Center of Amsterdam in the Netherlands, and the other is the project of Air China Limited.

2. Covid-19: Travel between the Mainland and Hong Kong/Macao Fully Resumed

Hong Kong and Macao Affairs Office of the State Council issued the Circular on the Full Resumption of Travel Between the Mainland and Hong Kong/Macao (“Circular”) on February 3, 2023.

According to the Circular:

1. No more appointment arrangement is needed before travelling, no more upper limit of travellers per day.

2. For travellers from Hong Kong and Macao to the Mainland with a history of residence in a foreign region within 7 days, a negative nucleic acid test within 48 hours prior to departure is needed.

3. For travellers whose test result is positive upon arrival in the Mainland, they need to take a home quarantine.[6]

https://www.hmo.gov.cn/xwzx/zwyw/202302/t20230203_24042.html

Should you need to know more details, please reach us

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[6] No specific days requested.

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