

儿童个人信息网络保护规定
(征求意见稿)

**[Draft] Regulation on the Protection of Children's Personal Information Online
(Draft for Comments)**

第一条 为了保护儿童个人信息安全，促进儿童健康成长，根据《中华人民共和国网络安全法》《中华人民共和国未成年人保护法》等法律制定本规定。

Article 1 This Regulation is developed in accordance with the Cybersecurity Law of the People's Republic of China, the Law of the People's Republic of China on the Protection of Minors and other laws designed to protect children's personal information security and promote the healthy development of children.

第二条 在中华人民共和国境内通过网络从事收集、存储、使用、转移、披露儿童个人信息等活动，适用本规定。

Article 2 This Regulation shall apply to the online collection, storage, use, transfer, and disclosure of children's personal information and other related activities.

第三条 网络运营者收集、存储、使用、转移、披露儿童个人信息的，应当遵循正当必要、知情同意、目的明确、安全保障、依法利用的原则。

Article 3 Network operators shall follow the principles of legitimacy and necessity, informed consent, clear purpose, security and lawful use during the collection, storage, use, transfer, and disclosure of children's personal information.

第四条 鼓励互联网行业组织指导推动网络运营者制定儿童个人信息保护的行业规范、行为准则等，加强行业自律，履行社会责任。

Article 4 The state encourages internet industry associations to establish industry standards and codes of conduct for the protection of children's personal information.

第五条 网络运营者应当设置专门的儿童个人信息保护规则和用户协议，并设立个人信息保护专员或者指定专人负责儿童个人信息保护。适用于儿童的用户协议应当简洁、易懂。

Article 5 Network operators shall formulate dedicated policies and user agreement for the protection of children's personal information and appoint a children's personal information protection officer or assign dedicated personnel responsible to ensure the protection of children's personal information. User agreements for children shall be concise and easy to understand.

第六条 网络运营者不得收集与其提供的服务无关的儿童个人信息，不得违反法律、行政法规的规定和用户协议的约定收集儿童个人信息。

Article 6 Network operators shall not collect children's personal information unrelated to the services provided, and shall not collect children's personal information in violation of laws, regulations or user agreements.

第七条 网络运营者收集、使用儿童个人信息的，应当以显著、清晰的方式告知儿童监护人，并应当征得儿童监护人的明示同意。明示同意应当具体、清楚、明确，基于自愿。

Article 7 When collecting and using children's personal information, network operators shall inform the guardian in a prominent and clear way, and shall obtain the express consent of the guardian to collect and use the information.

第八条 网络运营者征得同意时，应当同时提供拒绝选项，并明确告知以下事项：

Article 8 Network operators shall provide the option to refuse consent and shall clearly provide the following information when obtaining consent:

- (1) 收集、存储、使用、转移或者披露儿童个人信息的目的、范围、方式和期限；
The purpose, scope, method and retention period of the collection, storage, use, transmission, and disclosure of children's personal information;
- (2) 儿童个人信息的存储地点和到期后的处理方式；
The location of the data storage, retention period and what the network operator will do with children's personal data after the retention period expires;
- (3) 儿童个人信息的安全保障措施；
Security protection measures for children's personal information;
- (4) 个人信息保护专员或者其他联系方式；
The contact information of the children's personal information protection officer or other assigned personnel;
- (5) 拒绝的后果和影响；
The consequence(s) of the refusal to provide consent;
- (6) 其他应当告知的事项。
Other information that shall be informed;

前款规定的告知事项发生实质性变化的，应当再次征得儿童监护人的明示同意。
Where the information prescribed in the preceding paragraph has changed substantially, the network operator shall re-obtain express consent from the children's guardian.

第九条 网络运营者存储儿童个人信息，不得超过实现其收集、使用目的所必须的期限。

Article 9 The retention of children's personal information by the network operator shall not exceed the retention period necessary to fulfill the purpose of its collection and use.

第十条 网络运营者应当采取加密等措施存储儿童个人信息，确保信息安全。

Article 10 Network operators shall take measures such as encryption when storing children's personal information to ensure information security.

第十一条 网络运营者使用儿童个人信息，不得超出约定的目的和范围。因业务需要，确需超出目的和范围使用的，应当再次征得儿童监护人的明示同意。

Article 11 The use of children's personal information by the network operator shall not exceed the purpose and scope agreed. If it is necessary to expand the purpose and scope of the use due to business needs, network operators shall re-obtain express consent from the children's guardian before doing so.

第十二条 网络运营者对其工作人员应当以最小授权为原则，严格设定信息访问权限，控制儿童个人信息知悉范围。工作人员访问儿童个人信息的，应当经过个人信息保护专员或者其授权的管理人员审批，记录访问情况，并采取技术措施，避免违法复制、下载儿童个人信息。

Article 12 Network operators shall abide by the principle of minimum authorized use of children's information by personnel, set information access permissions in a strict manner, and control access to children's personal information. Personnel access to children's personal information shall be approved by the personal information protection officer or other

designated personnel, who shall record the access, and network operators shall take technical measures to prevent the illegal copying and downloading of children's personal information.

第十三条 网络运营者委托第三方处理儿童个人信息的，应当对受委托方及委托行为等进行安全评估，签署委托协议，明确双方责任、处理事项、处理期限、处理性质和目的等，委托行为不得超出授权范围。

Article 13 When entrusting a third party to process children's personal information, network operators shall conduct a security assessment on the third party and such entrustment and sign an agreement with the third party specifying the responsibilities of both parties, processing matters, processing period and the processing nature and purpose. The entrustment shall not exceed the scope of the authorization to collect and use children's personal information.

前款规定的受委托方，应当履行以下义务：

The entrusted party described in the preceding paragraph shall fulfill the following obligations:

(1) 按照网络运营者的要求处理儿童个人信息；

Process children's personal information in accordance with the requirements of the network operator;

(2) 协助网络运营者回应儿童监护人提出的申请；

Assist the network operator in responding to requests from the child or its guardian;

(3) 采取措施保障信息安全，并在发生儿童个人信息泄露安全事件时，及时向网络运营者反馈；

Take measures to ensure information security, and inform the network operator in a timely manner of incidents where children's personal information has been leaked;

(4) 委托关系解除时及时删除儿童个人信息；

Delete children's personal information in a timely manner when the relationship is dissolved;

(5) 不得转委托；

Prohibit the subcontract of the entrustment;

(6) 其他依法应当履行的儿童个人信息保护义务。

Other obligations to protect the children's personal information by law.

第十四条 网络运营者和第三方共同使用儿童个人信息的，应当征得儿童监护人的明示同意。

Article 14 Network operators shall obtain express consent from the children's guardian when using children's personal information with a third party collectively.

第十五条 网络运营者向第三方转移儿童个人信息的，应当自行或者委托第三方机构进行安全评估，并征得儿童监护人的明示同意。

Article 15 When transferring children's personal information to a third party, the network operator shall conduct a security assessment on its own or entrust a relevant entity to do so, and obtain express consent from the children's guardian before transferring any information to the third party.

第十六条 网络运营者不得披露儿童个人信息，但法律、行政法规规定应当披露或者根据与儿童监护人的约定需要披露的除外。

Article 16 Network operators shall not disclose children's personal information, except for

the circumstances where such disclosure is required by law or regulation or agreed to by the children's guardian.

第十七条 儿童或者其监护人发现网络运营者收集、存储的儿童个人信息有错误的，有权要求网络运营者予以更正。网络运营者应当及时采取措施予以更正。

Article 17 When a child or its guardian believes that the child's personal information is incorrect, they have the right to require the network operator to correct the information. The network operators shall take measures to correct the information in a timely manner.

第十八条 儿童或者其监护人要求网络运营者删除其收集、存储、使用的儿童个人信息的，网络运营者应当及时采取措施予以删除，包括但不限于以下情形：

Article 18 When a child or its guardian requires the network operator to delete the child's personal information they collect, store, and use, the network operator shall take measures to delete the information in a timely manner, including but not limited to the following circumstances:

(1) 网络运营者违反法律、行政法规的规定或者用户协议的约定收集、存储、使用、转移或者披露儿童个人信息的；

The network operator collects, stores, uses, transfers, or discloses the children's personal information in violation of the laws, regulations, or the user agreement;

(2) 超出目的范围或者必要期限收集、存储、使用、转移或者披露儿童个人信息的；

The collection, storage, use, transmission, or disclosure of the children's personal information exceeds the scope of purpose or necessary retention period;

(3) 儿童监护人撤回同意的；

The child's guardian withdraws the consent;

(4) 儿童或者其监护人通过注销等方式终止使用产品或者服务的。

The child or its guardian ceases to use the product or service through account cancellation or other means.

第十九条 网络运营者收集、使用、转移、披露儿童个人信息，有以下情形之一的，可以不经儿童监护人的明示同意：

Article 19 Network operators may collect, use, transfer or disclose children's personal information without the express consent of the children's guardian under the following circumstances:

(1) 为维护国家安全或者公共利益；

To safeguard national security or public interest;

(2) 为消除儿童人身或者财产上的紧急危险；

To eliminate urgent danger to children lives or property;

(3) 法律、行政法规规定的其他情形。

Other circumstances prescribed by laws and regulations.

第二十条 网络运营者发现儿童个人信息发生或者可能发生泄露、毁损、丢失的，应当立即启动应急预案，采取补救措施；造成或者可能造成严重后果的，应当立即向有关主管部门报告，并将事件相关情况以邮件、信函、电话、推送通知等方式告知受影响的儿童及其监护人，难以逐一告知的，应当采取合理、有效的方式发布相关警示信息。

Article 20 In the event that the network operator finds that children's personal information

has been or may have been leaked, damaged or lost, the network operator shall immediately initiate the emergency response plan and take remedial measures. If the leakage, damage or loss of information causes or may cause serious consequences, network operators shall report this to the relevant competent departments immediately, and notify affected children and their guardians through emails, letters, phone calls, push notifications or other means. Where it is difficult to notify individually, relevant alarms shall be published through reasonable and effective means.

第二十一条 网络运营者应当对国家互联网信息办公室和其他有关部门依法开展的监督检查予以配合。

Article 21 Network operators shall cooperate with the supervision and inspection conducted by the Cyberspace Administration of China and other relevant departments, as required by law.

第二十二条 网络运营者停止运营产品或者服务的，应当立即停止收集儿童个人信息的活动，删除其持有的儿童个人信息，并将停止运营的通知及时告知儿童监护人。

Article 22 Network operators shall, when suspending the operation of products or services, cease to collect children's personal information, delete the children's personal information in their possession, and notify the children's guardian of the suspension of the operation in a timely manner.

第二十三条 任何组织和个人发现有违反本规定行为的，可以向国家互联网信息办公室和其他有关部门举报。

国家互联网信息办公室和其他有关部门收到举报的，应当依据职责进行处理。

Article 23 Where an organization or individual finds any conduct in violation of this Regulation, it should be reported to the Cyberspace Administration of China and other relevant departments.

The Cyberspace Administration of China and other relevant departments shall handle the reports in accordance with their responsibilities and obligations.

第二十四条 网络运营者落实儿童个人信息安全管理责任不到位，存在较大安全风险或者发生安全事件的，由国家互联网信息办公室依法进行约谈，网络运营者应当按照约谈要求及时采取措施，进行整改，消除隐患。

Article 24 Where a network operator has failed to implement children's personal information security management obligations and this presents a relatively high security risk or results in a security incident, the Cybersecurity Administration shall summon the network operator for a meeting. The network operator shall take measures in a timely manner in accordance with the requirements of the interview to make rectification and eliminate risks.

第二十五条 违反本规定的，由国家互联网信息办公室和其他有关部门依据职责，根据《中华人民共和国网络安全法》第六十四条的规定责令改正，根据情节单处或者并处警告、没收违法所得、处违法所得一倍以上十倍以下罚款，没有违法所得的，处一百万元以下罚款，对直接负责的主管人员和其他直接责任人员处一万元以上十万元以下罚款；情节严重的，并可以责令暂停相关业务、停业整顿、关闭网站、吊销相关业务许可证或者吊销营业执照；构成犯罪的，依法追究刑事责任。

Article 25 Where any violations of this Regulation occurs, the Cybersecurity Administration and other competent departments shall order to make corrections, and may, separately or concurrently, give a warning, confiscate the illegal income therefrom, impose a fine of not less than one time but not more than ten times the amount of illegal income as the case may be, and if it has no illegal income therefrom, impose a fine of not more than one million yuan, and impose a fine of not less than 10,000 yuan but not more than 100,000 yuan on the directly responsible person in charge and other directly liable persons. If the circumstances are serious, the competent department may order to suspend relevant business operation, cease business

operations for rectification, shut down the website, or revoke the relevant business permit or business license. If the act constitutes a crime, the network operator may be subject to criminal liability in accordance with the law.

第二十六条 违反本规定被追究法律责任的，依照有关法律、行政法规的规定记入信用档案，并予以公示。

Article 26 Where a party violates this Regulation and is subject to legal liabilities, such violation shall be recorded in its credit file and be publicized.

第二十七条 本规定所称儿童，是指不满十四周岁的未成年人。

For the purpose of this Regulation, “children” means minors under the age of 14.

第二十八条 本规定自 2019 年 月 日起施行。

Article 40 This Regulation shall take effect on _____, 2019.