

Didi removed from application stores



Cybersecurity Law and Data Security Law of China

On July 2, 2021, the Cyberspace Administration of China issued a statement saying Didi (滴滴, a popular ride-hailing app) seriously violated Cybersecurity Law of China by illegally collecting and using personal information. Soon after, Didi was removed from application stores [1]. Because of this incident, **Cybersecurity Law** and **Data Security Law** of China have attracted the public attention. Below is a brief go-through and comparison (as shown in Table 1) of the two laws.

The **Cybersecurity Law** was passed on November 07, 2016 and came into force on June 1, 2017, which is the first legislation in mainland China to comprehensively regulate the country's cyber networks. The focus of the **Cybersecurity Law** is the protection of data and network infrastructure security [2]. The highlights of **Cybersecurity Law** are as follows.

- The Law presents clear requirements for network operators. Most of the large financial institutions may become “network operators”, e.g., Ant Group, or Didi.

- The **Cybersecurity Law** clearly states requirements for the collection, use and protection of personal information.
- The **Cybersecurity Law** stipulates that sensitive data gathered or produced in China must be stored in China.
- Critical cyber equipment and special cybersecurity products can only be sold after receiving security certifications.

The **Data Security Law** was passed on June 10, 2021 and came into force on September 1, 2021. The focus of the **Data Security Law** is the protection of critical data related to national security and/or public interest. The most significant element of the law is its data classification system, where data are categorized into different types based on their importance, and thus different levels of protection are introduced [3].

The highlights of **Data Security Law** are as follows.

- For sending data overseas, **Data Security Law** rehashes much of what is already in the Cybersecurity Law, while the rule's scope and penalties are increased.
- **Data Security Law** adds the concept of “national core data”, which refers to the data related to national security, the lifelines of the national economy, the key livelihood of people, and major public interests.
- A data classification system is defined, which includes national core data, important data, sensitive personal information, general personal information, and other data. Accordingly, companies should control who has access to those data.
- Those who violate the management system for national core data and cause harm to national sovereignty, security, and development will be imposed a fine up to RMB 10 million. They may also be ordered to suspend business or stop operation or be subject to revocation of relevant business licenses.

For detailed legal texts and its English translations, please refer to [4] and [5].

Table 1. Comparison of **Cybersecurity Law** and **Data Security Law**

	Purpose	Definition of data	Scope	Who are regulated
Cybersecurity Law	Focus: security of the cyberspace. Secure cybersecurity sovereignty, national security, and public interests	Various electronic data are collected, stored, transmitted, processed, and generated via network	Network construction, operation, and maintenance in China	Network operators
Data Security Law	Focus: Security of the data. Ensure data security and focus on data processing and data utilization	Any recording of information by electronic or other means	Data processing within or outside China	Any organization or individual that process data

References

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