

Title: The conflict between privacy protection and real identity registration under the new Chinese Cybersecurity Law

Abstract:

The new Cybersecurity Law of the People's Republic of China introduced new rules on protection of personal data, including the requirement of data subject's consent for personal data to be transferred to others, and the requirement of security assessment for Critical Information Infrastructure to transfer personal data out of China. The Cybersecurity Law further requires cybersecurity supervision authorities to ensure confidentiality and not to disclose, sell or illegally provide personal data to others. At the same time, the Cybersecurity Law introduced real identity registration requirements for expansive categories of online services in China.

Concerns arose as to whether the new rules were merely new mechanisms for the Chinese government to restrict information transfer, whether the introduction of real identity registration makes personal data even more prone to unauthorized access and transfer, or whether the Cybersecurity Law is just a way to further empower authorities to monitor individuals' speeches and activities on the internet. It is however argued that real identity registration would be an effective means of protecting citizens' lawful rights, such as the rights to be protected against cyberbullying, defamatory conducts and cybercrimes.

Philip will give an introduction of the latest privacy rules as well as the latest real identity registration rules in China, and analyse the conflict between privacy protection and in China in the context of its new real identity registration requirements.

About the author:

Philip Kwok has practiced law in Beijing and Hong Kong offices of international law firms for over 8 years. Philip advises domestic and international corporations on complex commercial disputes resolution, data privacy protection and cross-border data transfer issues, as well as internet and e-commerce businesses compliance and advisory matters. He is currently a part time lecturer of the University of Hong Kong for the PRC Information Technology Law course for LLM students. He is also the Chairman of the Legal Affairs Committee of the Hong Kong Association of China Business, Member of the Technology Committee of the Hong Kong Law Society, and Consultant of the Peking University Internet Law and Development Association. He frequently writes and speaks on issues relating to cybersecurity, privacy and data protection, and cloud computing issues. He advises clients on cybersecurity and data protection policies and strategies, collection and use of personal information in the cloud, personal data handling of online finance platforms, electronic data retention, digital signatures and identity verification issues, etc..