

China's Personal Information Protection Law ("PIPL") FAQs

Last updated: November 1, 2021

1. WHAT IS THE PIPL?

The Personal Information Protection Law ("**PIPL**") is China's comprehensive data protection law. The PIPL shares many similarities with the European Union's General Data Protection Regulation ("**GDPR**") and consolidates the previous patchwork of legislation, rules and measures on data privacy, by expanding on the requirements for processing and transferring personal information, implementing international transfers controls and providing for various personal information rights of individuals.

The PIPL was passed on 20 August 2021 by China's National People's Congress, and comes into effect on 1 November 2021.

2. WHAT IS THE TERRITORIAL SCOPE OF THE PIPL?

Like the GDPR, the PIPL has extra-territorial effect and applies to the processing of personal information both inside and outside of China. The PIPL applies to the processing of personal information by organisations based in China, and also applies to the processing of personal information outside China where: (a) the purpose is the provision of products and services to individuals in China; (b) the purpose is to analyse or assess the behaviour of individuals in China; or (c) as provided for in laws or other regulations.

Please note that, for the purposes of the PIPL, Hong Kong is considered to be a place outside of China.

3. WHAT DOES IT MEAN TO PROCESS PERSONAL INFORMATION?

Under the PIPL, "personal information" means any information related to identified or identifiable natural persons, recorded electronically or by other means. This includes information that does not identify a natural person, but may be "related" to an identified person. It follows that "personal information" is defined by a broad concept rather than being a closed list of specific types of personal information.

Personal information "handling" (which has the equivalent meaning of "processing" in other data protection legislation) is also very broadly defined, meaning the collection, storage, use, processing, transmission, provision, disclosure and deletion of personal information.

4. WHAT IS A PERSONAL INFORMATION HANDLER? DATA PROCESSOR?

The PIPL uses the terminology of "personal information handlers" (which is akin to the GDPR's definition of a "data controller"), which means any organisation or individual that independently makes decisions about the purposes and methods of personal information handling in personal information handling activities.

Persons that are entrusted to process personal information (which is akin to the GDPR's definition of a "data processor") are required to take measures to safeguard the security of personal information they process and assist handlers in fulfilling their obligations under the PIPL.

Autodesk acts as a personal information handler and is also entrusted to process personal information on behalf of other personal information handlers. Where we process personal information of our employees, we act as a personal information handler. Where we provide products and services to our customers and process personal information of individuals, we are entrusted as a processor for customer content and we act as a personal information handler for other data.

5. WHAT RIGHTS DO INDIVIDUALS HAVE UNDER THE PIPL AND HOW WILL AUTODESK SUPPORT THESE RIGHTS?

The PIPL provides individuals with certain rights in relation to their personal information, such as the right to:

- know, decide, restrict or object to the processing of their personal information;
- access and copy their personal information;
- data portability (i.e., to be able to obtain and reuse their personal information across services);
- withdraw their consent (where they consented to the handling of their personal information);
- correct and delete personal information; and
- require handlers to provide an explanation of automated decision-making or to object to decisions made solely through automated decision-making means.

The PIPL also provides for rights of the deceased – where a natural person dies, the PIPL permits their close relatives to, for their own lawful and legitimate interests, exercise the right to access, correct, and delete the relevant personal information of the deceased, unless otherwise arranged before the death of the deceased.

6. DOES THE PIPL REQUIRE PERSONAL INFORMATION TO STAY IN CHINA?

The PIPL (in line with the separate Cyber Security Law (“**CSL**”)) requires “operators of critical information infrastructure” to store personal information within the territory of mainland China, unless the international transfer is necessary and they complete a security assessment administered by the Cyberspace Administration of China (“**CAC**”). However, as Autodesk has not been designated as an operator of critical information infrastructure by the relevant authorities in China, we understand that these requirements under the CSL do not apply to Autodesk.

Adding to the separate localization requirement applicable to operators of critical information infrastructure under the CSL, the PIPL requires that organisations that exceed a quantitative threshold of personal information set by the CAC are also required to store personal information within the territory of mainland China, unless the international transfer is necessary and they complete a security assessment administered by the CAC.

Beyond the specific localization measure noted above, the PIPL also imposes a general restriction on international transfers of personal information. Personal information handlers may only transfer personal information outside mainland China if they: (a) obtain data subjects’ “separate consent”; (b) conduct impact assessments and keep records in relation to the transfers; and (c) satisfy one of the special conditions under the PIPL such as entering into CAC-issued standard contractual terms with the overseas recipient or completing a personal information protection certification conducted by a state-appointed certification authority.

Personal information handlers are also required to notify data subjects of the offshore transferees receiving the personal information, the categories of personal information being transferred, the purposes and methods of handling and details of how data subjects may exercise their rights under the PIPL with the recipient of their data.

7. DOES PIPL CREATE SPECIAL RULES FOR MINORS?

The PIPL deems the personal information of minors under the age of 14 to be sensitive personal information. Personal information handlers are required to obtain the consent of the minors' parents or other guardians and develop special rules for the handling of such personal information. The CAC is expected to issue guidance on its requirements for "special rules". You can find our updated Children's Privacy Statement for China [here](#).

8. HOW WILL AUTODESK DEMONSTRATE COMPLIANCE WITH THE PIPL?

We are committed to practicing transparency in how we handle personal information. Although there are currently no certifications available to demonstrate compliance with the PIPL, we conduct internal assessments to maintain our obligations under the PIPL. Further, we maintain ISO certifications for the operational environment of certain cloud products and have undergone SOC 2 compliance audits for select cloud products. For additional information, please visit our Trust Center. You can find our updated Privacy Statement for China [here](#).