

数据出境安全评估申报指南（第一版）

Guidelines for the Application for Data Export Security Assessment (First Edition)

《数据出境安全评估办法》自 2022 年 9 月 1 日起施行。为指导和帮助数据处理者规范、有序申报数据出境安全评估，特制定本指南。

The Measures for Data Export Security Assessment came into force on September 1, 2022. These Guidelines are formulated to guide and help data processors to apply for their data export security assessments in a standardized and orderly manner.

一、适用范围

Scope of Application

数据处理者向境外提供数据，有下列情形之一的，应当通过所在地省级网信办向国家网信办申报数据出境安全评估：

Where a data processor transfers data abroad under any of the following circumstances, it shall, through the local provincial-level cyberspace administration, apply to the State Cyberspace Administration for a security assessment for data export;

(一) 数据处理者向境外提供重要数据；

the data processor transfers important data abroad;

(二) 关键信息基础设施运营者和处理 100 万人以上个人信息的数据处理者向境外提供个人信息；
a critical information infrastructure operator, or a data processor processing the personal information of more than 1 million individuals, who, in either case, transfers personal information abroad;

(三) 自上年 1 月 1 日起累计向境外提供 10 万人个人信息或者 1 万人敏感个人信息的数据处理者向境外提供个人信息；

a data processor who has, since January 1 of the previous year cumulatively transferred abroad the personal information of more than 100,000 individuals, or the sensitive personal information of more than 10,000 individuals, or

(四) 国家网信办规定的其他需要申报数据出境安全评估的情形。

other circumstances as stipulated by the State Cyberspace Administration under which security assessment for data export is required.

以下情形属于数据出境行为：

Any of the following circumstances is deemed as data export;

(一) 数据处理者将在境内运营中收集和产生的数据传输、存储至境外;

a data processor transmits or stores data collected and generated domestically in the course of business operations abroad; and

(二) 数据处理者收集和产生的数据存储在境内，境外的机构、组织或者个人可以查询、调取、下载、导出;

the data collected and generated by the data processor is stored within the territory of the PRC, but can be accessed, retrieved, downloaded and exported by foreign institutions, organizations or individuals; and

(三) 国家网信办规定的其他数据出境行为。

other activities of data export stipulated by the State Cyberspace Administration.

二、申报方式及流程

Application Method and Process

数据处理者申报数据出境安全评估，应当通过所在地省级网信办申报数据出境安全评估。申报方式为送达书面申报材料并附带材料电子版。

Any data processor who applies for security assessment for data export shall submit the outbound transfer security assessment application to the provincial-level cyberspace administration at the place where the data processor is located. Application materials shall be submitted in both a hardcopy and a softcopy.

省级网信办收到申报材料后，在 5 个工作日内完成申报材料的完备性查验。通过完备性查验的，省级网信办将申报材料上报国家网信办；未通过完备性查验的，数据处理者将收到申报退回通知。

The provincial-level cyberspace administration shall, within five working days after receiving the application materials, check the completeness of the application materials. If the applicant passes the completeness check, the provincial-level cyberspace administration will forward the application materials to the State Cyberspace Administration; if the applicant fails to pass the completeness check, the data processor will be notified of the rejection of its application materials.

国家网信办自收到省级网信办上报申报材料之日起 7 个工作日内，确定是否受理并书面通知数据处理者。

The State Cyberspace Administration shall, within seven working days after receiving the application materials submitted by the provincial-level cyberspace administration, decide whether to accept the application and notify the data processor in writing of its decision.

数据处理者如被告知补充或者更正申报材料，应当及时按照要求补充或者更正材料。无正当理由不补充或者更正申报材料的，安全评估将会终止。情况复杂的，数据处理者将被告知评估预计延长的时间。

If the data processor is notified to supplement or correct its application materials, it must supplement or correct the materials as required within the specified time limit. If the data processor fails to supplement or correct application materials without good reason, the application for security assessment will be terminated. If there are complicated circumstances, the data processor will be notified of an extension of time to process the application.

评估完成后，数据处理者将收到评估结果通知书。对评估结果无异议的，数据处理者须按照数据出境安全管理相关法律法规和评估结果通知书的有关要求，规范相关数据出境活动；对评估结果有异议的，数据处理者可以在收到评估结果通知书 15 个工作日内向国家网信办申请复评，复评结果为最终结论。

After the security assessment is completed, the data processor will receive a notice of the security assessment results. Where there is no objection to the assessment results, the data processor must manage its data transmission activities in accordance with the laws and regulations on security management of data export and the relevant requirements set out in the security assessment results notice; where there are any objections to the security assessment results, the data processor may, within 15 working days after receiving the security assessment results notice, apply to the State Cyberspace Administration for a result review, and any re-assessment results will be final.

三、申报材料

Application Materials

数据处理者申报数据出境安全评估，应当提交如下材料（数据出境安全评估申报材料要求见附件 1）：

A data processor shall submit the following materials to support their application (see Appendix 1 for Requirements for Application Materials for Data Export Security Assessment):

1. 统一社会信用代码证件影印件
Photocopy of its Unified Social Credit Code Certificate
2. 法定代表人身份证件影印件
Photocopy of the ID card of its legal representative
3. 经办人身份证件影印件
Photocopy of the ID card of the person authorized to submit the application (“Agent”)
4. 经办人授权委托书（模板见附件 2）
Power of Attorney for the Agent (see Appendix 2 for the template)

5. 数据出境安全评估申报书（模板见附件 3）
Application Form for Data Export Security Assessment (see Appendix 3 for the template)
6. 与境外接收方拟订立的数据出境相关合同或者其他具有法律效力的文件影印件
Photocopies of the data transmission contract or other legally binding documents to be concluded with the foreign recipient of the data;
7. 数据出境风险自评估报告（模板见附件 4）
Risk Self-assessment Report for Data Export (see Appendix 4 for the template); and
8. 其他相关证明材料
Other relevant supporting materials.

数据处理者对所提交材料的真实性负责，提交虚假材料的，按照评估不通过处理，并依法追究相应法律责任。

The data processor is responsible for ensuring that the application materials submitted are authentic. If any forged or false materials are submitted, any security assessment will be null and void, and the data processor will be punished in accordance with the law.

四、申报咨询

Consultation

电子邮箱: sjcj@cac.gov.cn

Email: sjcj@cac.gov.cn

联系电话: 010-55627135

Contact Tel.: 010- 55627135

附件:

Appendix:

1. 数据出境安全评估申报材料要求
Requirements for Application Materials for Data Export Security Assessment
2. 经办人授权委托书（模板）
Power of Attorney for the Agent (Template)
3. 数据出境安全评估申报书（模板）
Declaration Form for Data Export Security Assessment (template)

4. 数据出境风险自评估报告（模板）

Risk Self-assessment Report for Data Export (Template)

上海市通力律师事务所

附件 1

Appendix 1

数据出境安全评估申报材料要求

Requirements for Application Materials for Data Export Security Assessment for

序号 No.	材料名称 Name of Document	要求 Requirements	备注 Remarks
1	统一社会信用代码证件 Unified Social Credit Code Certificate	影印件加盖公章 Photocopy with company seal	
2	法定代表人身份证件 Identity Document of Legal Representative	影印件加盖公章 Photocopy with company seal	
3	经办人身份证件 Identity Document of Agent	影印件加盖公章 Photocopy with company seal	
4	经办人授权委托书 Power of Attorney for the Agent	原件 Original	
5	数据出境安全评估申报书 Declaration Form for Data export Security Assessment		
5.1	承诺书 Letter of Commitment	原件 Original	
5.2	数据出境安全评估申报表 Application Form for Data Export Security Assessment	原件 Original	
6	与境外接收方拟订立的数据出境相关合同或者其他具有法律效力的文件 Data export Contract or other legally binding document to be concluded with the foreign recipient	影印件加盖公章 Photocopy with company seal	对数据出境相关约定条款作高亮、线框等显著标识。法律文件以中文版本为准，若仅有非中文版本，须同步提交准确的中文译本 Contractual clauses related to data export shall be highlighted,

			circled, or otherwise prominently marked. The Chinese version of the legal document shall prevail. If there is only a version in a language other than Chinese, a Chinese translation must be submitted simultaneously.
7	数据出境风险自评估报告 Risk Self-Assessment Report of Data export	原件 Original	
8	其他相关证明材料 Other relevant supporting materials	原件或影印件加盖公章 Original or photocopy with company seal	相关证明材料以中文版本为准, 若仅有非中文版本, 须同步提交准确的中文译本 The Chinese version of all supporting materials shall prevail. If there is only a version in a language other than Chinese, a Chinese translation must be submitted simultaneously..

在提交上述书面材料的同时, 需通过光盘方式提交相应电子版文件。

Softcopies of the aforementioned materials shall be submitted in CD form together with any original hardcopy application materials.

附件 2

Appendix 2

经办人授权委托书

Power of Attorney for the Agent

本人姓名(身份证件号码:)系数据处理者名称的法定代表人,现授权我单位姓名(身份证件号码:)为数据出境安全评估申报工作经办人。经办人代表我单位进行数据出境安全评估申报工作过程中的一切行为,包括所签署和上传的资料,我单位均予以承认,并将承担相应的法律责任。

The undersigned name (ID No.:) is the legal representative of name of the Data Processor, who now hereby authorizes name (ID No. :) of our company to handle the data export security assessment application. The company will acknowledge all actions, including execution and submission of application materials, taken by the Agent for and on behalf of the company in connection with the application for data export security assessment application, and the company will assume the corresponding legal responsibilities.

授权委托期限: 年 月 日至 年 月 日

Term of authorization: From to .

经办人无转委托权。

The Agent shall not transfer any of its rights and obligations hereunder.

单位名称(盖章):

法定代表人(签字):

经办人(签字):

Company Name (Seal):

Legal Representative (Signature):

Agent(Signature):

年 月 日

Date:

附件 3

Appendix 3

数据出境安全评估申报书（模板）

Declaration Form for Data export Security Assessment (Template)

填写说明：

Directions for completing the form

一、由数据处理者法定代表人或其授权的数据出境安全评估申报工作经办人填写；

This should be filled out by the legal representative of the data processor or his authorized Agent for the data export security assessment;

二、有选择的地方请勾选左侧“□”符号，有横线的部分应当填写相关信息；

Where there are choices, please check the “□” on the left side , and fill in the relevant information for the underlined parts;

三、所涉及的用语，可参考《中华人民共和国网络安全法》、《中华人民共和国数据安全法》、《中华人民共和国个人信息保护法》和《数据出境安全评估办法》等法律法规和部门规章；

For certain terms, please refer to those defined in the *Cybersecurity Law of the People's Republic of China*, the *Data Security Law of the People's Republic of China*, the *Personal Information Protection Law of the People's Republic of China*, the *Measures for Data Export Security Assessment*, and other relevant laws, regulations and departmental rules;

四、由国家互联网信息办公室制定并负责解释。

The Cyberspace Administration of China is responsible for formulating and interpreting rules in respect of the declaration.

一、承诺书

I. Letter of Commitment

本单位郑重承诺：

The undersigned company makes the following solemn representations:

一、申报出境数据的收集、使用符合中华人民共和国有关法律法规规定；

The collection and use of the data declared to be transferred abroad is in compliance with the relevant laws and regulations of the People's Republic of China;

二、申报材料所有内容真实、完整、准确和有效；

All the application materials are authentic, complete, accurate, and valid;

三、为国家网信办组织实施的数据出境安全评估工作提供必要的配合和支持；

It will provide necessary cooperation and support for the data export security assessment organized and implemented by the Cyberspace Administration of China; and

四、自评估工作为申报之日前 3 个月内完成，且至申报之日未发生重大变化。

The self-assessment shall be completed within three months before the date of application, and no major change has occurred by the date of application.

本单位知晓并充分理解上述承诺内容，若承诺不实或者违背承诺，愿意承担相应法律责任。

The undersigned company is aware of and fully understands the above representations, and is willing to assume corresponding legal liability for breach of any of the aforementioned representations.

法定代表人（签字）：

Legal Representative (Signature):

单位（盖章）：

Company (Seal):

二、数据出境安全评估申报表
Application Form for Data export Security Assessment

01 数据处理者情况 01 Information about the Data Processor(s)	单位名称 Company Name		单位性质 Nature of Company Business	
	单位注册地 Registered Address		办公所在地 Office Location	
	有效期 Validity Period		邮政编码 Postal Code	
	注册资金 Registered Capital		员工数量 Number of Employees	
	主营业务 Principal Business			
	统一社会信用代码 Unified Social Credit Code			
02 法定代表人信息 02 Legal Representative's Information	姓名 Name		职务/国籍 Position/Nationality	
	联系电话 Contact Number		电子邮箱 E-mail	
	证件类型 Identification Document Type		证件号码 Identification Document Number	
03 数据安全负责人和管理机构信息 03 Data Security Officer and Management Function	姓名 Name		职务/国籍 Position/Nationality	
	联系电话 Contact Number		电子邮箱 E-mail	
	证件类型 Identification		证件号码 Identification	

	Document Type		Document Number	
	机构名称 Institution Name		机构人数 Number of People in Institution	
04 经办人信息 04 Agent Information	姓名 Name		职务/国籍 Position/Nationality	
	联系电话 Contact Number		电子邮箱 E-mail	
	证件类型 Identification Document Type		证件号码 Identification Document Number	
05 数据出境业务描述 05 Description of Business Scenario Related to Data Outbound Transfer				
06 数据出境的目的 06 Purpose of Data Transfer				
07 数据出境的方式 07 Method of Data Transfer				
08 数据出境链路 08 Data Link of Data Transfer				
09 拟出境数据情况 09 Conditions of the Exported Data	数据类型 Data Type	☐ 重要数据 Important Data ☐ 个人信息 Personal Information	敏感程度（如为个人信息） Sensitivity (in the case of Personal Information)	
	数据规模	<u>MB/GB/TB</u>	涉及行业/领域	

	Data Scale	<u>MB/GB/TB</u>	Industry/Field Involved	
	涉及自然人数量 Number of Natural Persons Involved		涉及重要数据数量 Volume of Important Data	
10 境外接收方情况 10 Information of Foreign Recipient	境外接收方名称 Name of Foreign Recipient		所在国家或者地区 Country or Region	
	所在地址 Address		注册登记号码 Registration Number	
	注册资金 Registered Capital		员工数量 Number of Employees	
	负责人姓名 Name of Person in charge		负责人职务 Position of Person in charge	
	联系电话 Contact Number		电子邮箱 E-mail	
	证件类型 Identification Document Type		证件号码 Identification Document Number	
	主营业务 Principal Business			
11 境外接收方数据安全责任人 和管理机构情况 11 Information of the Person Responsible for Data Security and Management Function of Foreign Recipient	姓名 Name		职务 Position	
	联系电话 Contact Number		电子邮箱 E-mail	
	证件类型 Identification Document Type		证件类型 Identification Document Type	
	机构名称 Institution Name		机构人数 Number of People	

			in Institution	
12 法律文件 12 Legal Documents	法律文件名称列表: _____ List of Names of Legal Documents: _____			
13 相关条款在 法律文件中的页 码及条款 13 Page Number and Clause of Relevant Provisions in the Legal Document	- 数据出境的目的、方式和数据范围, 境外接收方处理数据的用途、方式等。 1. Purpose, scope and methods of data export and the purpose and method of data processing by the foreign recipient; 所在文件名称及页码 _____ Name and page number of documents _____ 所述条款 _____ Relevant terms _____ - 数据在境外保存地点、期限, 以及达到保存期限、完成约定目的或者法律文件终止后出境数据的处理措施。 2. Location and duration of storage of the data transferred abroad, as well as the processing measures for the data transferred abroad after expiration of the storage period, or completion of the agreed purpose, or termination of the legal documents. 所在文件名称及页码 _____ Name and page number of documents _____ 所述条款 _____ Relevant terms _____ - 对于境外接收方将出境数据再转移给其他组织、个人的约束性要求。 3. Restrictions on the foreign recipient's re-transfer of the data transferred abroad to another organization or individual; 所在文件名称及页码 _____ Name and page number of documents _____ 所述条款 _____ Relevant terms _____ - 境外接收方在实际控制权或者经营范围发生实质性变化, 或者所在国家、地区数据安全保护政策法规和网络安全环境发生变化以及发生其他不可抗力情形导致难以保障数据安全时, 应当采取的措施。			

	4. Security measures which should be taken in case of a material change to the actual control or business scope of the foreign recipient, or in case of a change to the data security protection policies or regulations, or network security environment of the country or region where the foreign recipient is located, or in case that the data security cannot be guaranteed as a result of any other force majeure event; 所在文件名称及页码_____ Name and page number of documents_____ 所述条款_____ Relevant terms_____ 5. 违反法律文件约定的数据安全保护义务的补救措施、违约责任和争议解决方式。 5. Remedial measures, liability for breach of legal documents and dispute resolution mechanism in the event of a violation of data security protection obligations as agreed in the legal documents; 所在文件名称及页码_____ Name and page number of documents_____ 所述条款_____ Relevant terms_____ 6. 出境数据遭到篡改、破坏、泄露、丢失、转移或者被非法获取、非法利用等风险时，妥善开展应急处置的要求和保障个人维护其个人信息权益的途径和方式。 6. Requirements on properly responding to a data security incident, as well as channels and method to safeguard individuals' personal information rights when the data transferred abroad is tampered with, destroyed, leaked, lost, transferred, illegally obtained or illegally used; 所在文件名称及页码_____ Name and page number of documents_____ 所述条款_____ Relevant terms_____
14 数据处理者 遵守中国法律、 行政法规、部门	

规章情况 14 Information Regarding Data Processor's Compliance with the Laws, Regulations and Agency Rules of the People's	
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填表说明

Instructions for Completing the Form

1. 申报书 01 项中的单位名称、性质、注册地、有效期、注册资金等怎么填写？

How to fill in the name, nature of business, registered address, validity period, registered capital, etc. of the entity in section 01 of the declaration form?

数据处理者应当对照统一社会信用代码证件中的机构名称、机构性质/类型、有效期等栏目填写。单位注册地应具体到城市，如北京市、河北省石家庄市等。单位办公所在地应具体到门牌号，如北京市海淀区 X 路 X 号。表中注册资金均需明确币种和金额。

The data processor shall fill in the information according to the information recorded on the unified social credit code certificate, such as the organization name, nature/type, validity period. The registration address of the entity shall be the specific city such as Beijing, Shijiazhuang of Hebei Province, etc. The Office Location of the entity shall be specific to the house number, such as X Road, Haidian District, Beijing. The currency and amount of the registered capital shall be specified in the form.

2. 申报书 02、03、04 项证件类型怎么填写？

How to fill in the identification document type in section 02, 03 and 04 of the declaration form?

可根据实际情况选择填写居民身份证、护照、台湾居民来往大陆通行证、港澳居民来往内地通行证等。

Please complete this according to the specific circumstances, e.g., resident ID card, passport, mainland travel permit for Taiwan residents, or mainland travel permit for Hong Kong and Macao residents, etc.

3. 申报书 05 项中数据出境业务描述怎么填写？

How to fill in the description of business related to data transfer in section 05 of the declaration form?

据实填写此次申报的数据出境业务，应与法律文件中涉及业务名称一致。

The section shall be filled in truthfully. The declared name of the business involved in the data transfer this time shall be consistent with the business name involved in the legal documents.

4. 申报书 06 项中数据出境的目的怎么填写？

How to fill in the purpose of data transfer in section 06 of the declaration form?

如开展业务合作、技术研究、经营管理等，需具体阐述。

For example, any business cooperation, technical research, operation management. etc., shall be specifically described.

5. 申报书 07 项数据出境的方式怎么填写?

How to fill in the method of data transfer in section 07 of the declaration form?

说明数据出境的方式，如公共互联网传输、专线传输等。

The method of data transfer shall be stated, such as transmission via public internet or transmission via a special line.

6. 申报书 08 项数据出境链路怎么填写?

How to fill in the data link of data transfer in section 08 of the declaration form?

说明数据出境的链路，如链路提供商、链路数量与带宽、境内外落地数据中心名称及机房物理位置、IP 地址等。

The data link of data transfer shall be stated, such as the link provider, the number and bandwidth of the links, the name of the domestic and foreign ground data center, the physical location of the machine room, and the IP address, etc.

7. 申报书 09 项拟出境数据情况怎么填写?

How to fill in the conditions of data to be exported in section 09 of the declaration form?

关于个人信息的敏感程度，可参照国家标准《信息安全技术 个人信息安全规范》。涉及行业/领域填写出境数据涉及的行业领域范围，如工业、电信、金融、交通、自然资源、卫生健康、能源、教育、科技、国防科工等。

The sensitivity of personal information may be determined accordance with the *Information Security Technology Personal Information Security Specification*. Information regarding the industries/fields involved shall be filled in under the scope of industries/fields involved in the data export, such as industry, telecommunications, finance, transportation, natural resources, health care, energy, education, science and technology, science and industry for national defense, etc.

8. 申报书 13 项相关条款在法律文件中的页码怎么填写?

How to fill in the page numbers of section 13 and the relevant clauses of the legal documents in the declaration form?

数据处理者填写对应法律文件条款所在的页码，并对相关条款作高亮、线框等显著标识。

The data processor shall fill in the page numbers of the corresponding clauses in the legal documents, and highlight, show with a box or otherwise mark the relevant clauses.

9. 申报书 14 项遵守中国法律、行政法规、部门规章情况怎么填写？

How to fill in information regarding the data processor's compliance with the laws, regulations and agency rules of the people's republic of China in section 14 of the declaration form?

数据处理者简述近 2 年在业务经营活动中受到行政处罚和有关主管监管部门调查及整改情况，重点说明数据和网络安全方面相关情况。

The data processor shall briefly describe the information regarding any administrative penalties it received in its business operations over the past two years, as well as investigations by the relevant competent regulatory authorities and any rectification, with a focus on the information of data and network security.

附件 4

Appendix 4

数据出境风险自评估报告（模板）

Risk Self-Assessment of Data Export (Template)

数据处理者名称：_____（盖章）_____ 年 月 日

Name of the data processor: _____(seal)_____DD/MM/YY

说明:

Notes:

- (一) 数据处理者申报数据出境安全评估时需提供自评估报告;

The data processor shall provide a self-assessment report when applying for data export security assessment for;

- (二) 数据处理者须对所提交的自评估报告及附件材料真实性负责;

The data processor shall be responsible for the authenticity of the self- assessment report and attached materials submitted;

- (三) 本报告所述自评估活动为本次申报前 3 个月内完成;

The self-assessment activities mentioned in this report shall be completed within three months before this application; and

- (四) 如有第三方机构参与自评估, 须在自评估报告中说明第三方机构的基本情况 & 参与评估的情况, 并在相关内容页上加盖第三方机构公章。

If a third-party agency has participated in the self-assessment, the basic information and the assessment participation of the third-party agency shall be explained in the self-assessment report, with the seal of the third-party agency affixed on the relevant internal pages.

一、自评估工作简述

Brief Description of the Self-Assessment

自评估工作开展情况, 包括起止时间、组织情况、实施过程、实施方式等内容。

Information regarding the implementation of the self-assessment, including the starting and ending times, organization, implementation processes, implementation methods, etc.

二、出境活动整体情况

Overall Conditions of the Data Export Activities

详细说明数据处理者基本情况、数据出境涉及的业务和信息系统、出境数据情况、数据处理者安全保障能力情况、境外接收方情况、法律文件约定情况等。包括但不限于:

Detailed descriptions shall be given of the basic information of the data processor, the business and information systems involved in the data export, information about the data to be exported, the security protection capability of the data processor, the information of the foreign recipient, and the agreed legal documents, etc. Details include but are not limited to:

- (一) 数据处理者基本情况

Basic information of the data processor

1. 组织或者个人基本信息;
basic information of the organization or individual;
2. 股权结构和实际控制人信息;
information of the organization's equity structure and the actual controller;
3. 组织架构信息;
organizational structure information;
4. 数据安全管理机构信息;
information of the data security management institution;
5. 整体业务与数据情况;
overall business and data conditions; and
6. 境内外投资情况。
domestic and foreign investment circumstances.

(二) 数据出境涉及业务和信息系统情况

Information of the business and information systems involved in the data export

1. 数据出境涉及业务的基本情况;
basic information of the business involved in the data export;
2. 数据出境涉及业务的数据资产情况;
information of the data assets involved in the data export;
3. 数据出境涉及业务的信息系统情况;
information of the information systems involved in the data export;
4. 数据出境涉及的数据中心（包含云服务）情况;
information of the data centers (including cloud services) involved in the data export; and
5. 数据出境链路相关情况。
relevant information of the data links for the data export.

(三) 拟出境数据情况

Information regarding the data to be exported

1. 说明数据出境及境外接收方处理数据的目的、范围、方式，及其合法性、正当性、必要性；
state the purpose, scope, and method of the data export and the processing of the data by the foreign recipient, as well as the legality, legitimacy and necessity thereof;
2. 说明出境数据的规模、范围、种类、敏感程度；
state the scale, scope, type and sensitivity of the data to be transmitted abroad;
3. 拟出境数据在境内存储的系统平台、数据中心等情况，计划出境后存储的系统平台、数据中心等；
information regarding the system platform and data center for domestic storage of the data to be exported, as well as the planned system platform and data center for storage after the data is exported; and
4. 数据出境后向境外其他接收方提供的情况。
information regarding the retransfer of the data to other foreign recipients after the data is transmitted abroad.

(四) 数据处理者数据安全保障能力情况

Information of the data processor's capability for ensuring data security

1. 数据安全能力，包括管理组织体系和制度建设情况，全流程管理、分类分级、应急处置、风险评估、个人信息权益保护等制度及落实情况；
data security management capability, including management organization systems and construction of systems, systems of whole-process management, classification and grading, emergency response, risk evaluation, protection of personal information rights and interests and the implementation of such systems;
2. 数据安全技术能力，包括数据收集、存储、使用、加工、传输、提供、公开、删除等全流程所采取的安全技术措施等；
technical capability for data security, including technical safety measures adopted for the whole process of data collection, storage, use, processing, transmission, provision, publication and deletion;
3. 数据安全保障措施有效性证明，例如开展的数据安全风险评估、数据安全能力认证、

数据安全检查测评、数据安全合规审计、网络安全等级保护测评等情况；

certification of the effectiveness of data security measures, such as data security risk assessment, data security capability authentication, data security inspection and assessment, data security and compliance audit, and MLPS conditions; and

4. 遵守数据和网络安全相关法律法规的情况。

compliance with relevant laws and regulations the data and cybersecurity.

(五) 境外接收方情况

Information of the foreign recipient;

1. 境外接收方基本情况；

basic information of the foreign recipient;

2. 境外接收方处理数据的用途、方式等；

purpose and method of data processing by the foreign recipient;

3. 境外接收方的数据安全保障能力；

capability of the foreign recipient for data security;

4. 境外接收方所在国家或地区数据安全保护政策法规和网络安全环境情况；

the policies and regulations and the cybersecurity environment of the country or region where the foreign recipient is located; and

5. 境外接收方处理数据的全流程过程描述。

description of the whole-process of data processing by the foreign recipient.

(六) 法律文件约定数据安全保护责任义务的情况

Information of the responsibilities and obligations of data security protection agreed in the legal documents

1. 数据出境的目的、方式和数据范围，境外接收方处理数据的用途、方式等；

the purpose, method and scope of the data to be transferred abroad, and the purpose and method for processing the data by the foreign recipient;

2. 数据在境外保存地点、期限，以及达到保存期限、完成约定目的或者法律文件终止后出境数据的处理措施；

the location and duration for the storage of the data located abroad, as well as how to process

the data located abroad upon the expiry of the storage period, achievement of the agreed purpose, or termination of the legal documents;

3. 对于境外接收方将出境数据再转移给其他组织、个人的约束性要求;
restrictions on the foreign recipient's re-transfer of the data located abroad to another organization or individual;
4. 境外接收方在实际控制权或者经营范围发生实质性变化, 或者所在国家、地区数据安全保护政策法规和网络安全环境发生变化以及发生其他不可抗力情形导致难以保障数据安全时, 应当采取的安全措施;
security measures which should be taken in case of a material change to the actual control or business scope of the foreign recipient, or in case of a change to the data security protection policies or regulations, or network security environment of the country or region where the foreign recipient is located, or in case that the data security cannot be guaranteed as a result of any other force majeure event;
5. 违反法律文件约定的数据安全保护义务的补救措施、违约责任和争议解决方式;
remedial measures, liability for breach of contract and dispute resolution mechanism in the event of a violation of data security protection obligations as agreed in the Legal Documents;
and
6. 出境数据遭到篡改、破坏、泄露、丢失、转移或者被非法获取、非法利用等风险时, 妥善开展应急处置的要求和保障个人维护其个人信息权益的途径和方式。
requirements on properly responding to a data security incident, as well as channels and method to safeguard individuals' personal information rights, when the data located abroad is tampered with, destroyed, leaked, lost, transferred, illegally obtained or illegally used.

(七) 数据处理者认为需要说明的其他情况

Other circumstances that the data processor considers necessary to be explained.

三、拟出境活动的风险评估情况

Risk Assessment of Planned Data Export Activities

就下列事项逐项说明风险评估情况, 重点说明评估发现的问题和风险隐患, 以及相应采取的整改措施及整改效果。

The information for the risk assessment shall be explained individually for each of the following matters, with a focus on problems and potential risks discovered in the assessment, as well as corresponding rectification measures and rectification results.

(一) 数据出境和境外接收方处理数据的目的、范围、方式等的合法性、正当性、必要性;

the legality, legitimacy and necessity of the purpose, scope and methods of the data export, and the processing of the data by the foreign recipient;

(二) 出境数据的规模、范围、种类、敏感程度, 数据出境可能对国家安全、公共利益、个人或者组织合法权益带来的风险;

the scale, scope, type and sensitivity of the data export, and the risks to national security, the public interest or to the legitimate rights and interests of individuals or organizations, caused by the data export;

(三) 境外接收方承诺承担的责任义务, 以及履行责任义务的管理和技术措施、能力等能否保障出境数据的安全;

the duties and obligations which the foreign recipient commits to undertake, and whether the foreign recipient's organizational and technical measures and capabilities in terms of performing the duties and obligations can guarantee the security of the data export;

(四) 数据出境中和出境后遭到篡改、破坏、泄露、丢失、转移或者被非法获取、非法利用等的风险, 个人信息权益维护的渠道是否通畅等;

the risks of the data being tampered with, destroyed, divulged, lost, transferred, illegally obtained or illegally used during and after the data export, and whether there is a smooth channel for safeguarding personal information rights and interests;

(五) 与境外接收方拟订立的数据出境相关合同或者其他具有法律效力的文件等, 是否充分约定了数据安全保护责任义务;

whether the responsibilities and obligations for data security protection are fully agreed in relevant contracts for the data export, or other legally binding documents to be concluded with the foreign recipient; and

(六) 其他可能影响数据出境安全的事项。

other matters that may affect the security of data export.

四、出境活动风险自评估结论

Conclusion of the Risk Self-Assessment of Data Export

综合上述风险评估情况和相应整改情况, 对拟申报的数据出境活动作出客观的风险自评估结论, 充分说明得出自评估结论的理由和论据。

In light of the above risk assessment information and corresponding rectification information, an objective conclusion of the risk self-assessment shall be made for the proposed data export, and fully explaining the reasons and arguments for the self-assessment conclusion reached.