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China Proposes Draft Regulations for the Protection of Personal Information Collected Via Mobile Applications

On April 26, 2021, the Cyberspace Administration of China, the Ministry of Industry and Information Technology, the Ministry of Public Security, and the State Administration for Market Regulation, jointly released the draft *Interim Regulations on the Administration of Personal Information Protection for Mobile Internet Applications*. The Draft Interim Regulations apply specifically to data collection via mobile applications and are intended to function alongside China's currently proposed omnibus data protection legislation, the *Personal Information Protection Law*. The Draft Interim Regulations were open for public comment until May 26, 2021, and the US-China Business Council submitted comments from its members, including Perkins Coie. Notable aspects of the Draft Interim Regulations include:

- **Scope:** the regulations would apply to the processing of personal information in China collected via mobile applications used within China.
- **Requirements to obtain informed consent:** mobile app developers and operators are required to provide transparency on their data practices to users and obtain their consent before processing their personal information.
- **Specific guidance on the principle of minimum use.**
- **Specific obligations required of key parties in the ecosystem:** including mobile app developers/operators, app distribution platforms, app third-party service providers, mobile smart terminal manufacturers, and network access service providers.

This development in China is synergistic with an overall movement to ensure transparency and consent for app tracking. These trends were covered in our [White Paper](#) published by Data Guidance on trends for cookies and tracking for Brazil, the EU, and selected states in the United States (via CCPA, CPRA and VDPA). Beyond regulatory consensus, this development in China is also synergistic with business trends, such as Apple's App Tracking Technology (ATT) Consent rules in IOS 14.5. At the Apple Worldwide Developers Conference, Apple [advised](#) that more privacy protection steps are underway. If you are a business that operates a mobile application in China, we encourage you to stay apprised of developments in the passage of the Draft Interim Regulations, to ensure you are prepared to comply with its requirements if and when such regulations are promulgated. We will also be keeping tabs on the Interim Draft Regulations to provide updates on major developments. Please see our [client alert](#) with more details on the Draft Interim Regulations.

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