

# China Releases Regulation on the Protection of Children in Cyberspace

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On October 16, 2023, China's State Council released the *Regulation on the Protection of Minors Online* (《未成年人网络保护条例》) (the "Regulation"), to take effect on January 1, 2024. The Regulation is promulgated in accordance with the *Law of the People's Republic of China on the Protection of Minors* (《中华人民共和国未成年人保护法》) (the "MPL"), the *Cybersecurity Law of the People's Republic of China* (《中华人民共和国网络安全法》), the *Personal Information Protection Law of the People's Republic of China* (《中华人民共和国个人信息保护法》) (the "PIPL"), and other laws to create an online environment conducive to the physical and mental well-being of minors and protect their lawful rights and interests.

The MPL was amended in 2021 to add a separate chapter for protection of minors in cyberspace. The promulgation of the Regulation now provides detailed guidance on co-governance from the whole society to provide a nurturing environment in cyberspace. For businesses offering products or services to minors, they should be prepared to integrate the requirements of the Regulation into their overall data protection and privacy spectrum.

Below are certain highlights of the Regulation:

## I. SOCIAL CO-GOVERNANCE IN PROTECTING CHILDREN IN CYBERSPACE

The Regulation mandates that the Cyberspace Administration of China (the "CAC") be responsible for the overall planning and coordination for the protection of minors in cyberspace, and calls for collective efforts from various government agencies, including the national press and publication and film authorities, and the education, telecommunications, public security, civil affairs, culture and tourism, health, market regulation, radio and television, and other relevant authorities. (*Article 3*)

It requires social organizations (such as the Communist youth leagues, women's federations, trade unions, Young Pioneers, etc.) to assist in the effort to protect children in cyberspace. The Regulation further requires schools and children's families to educate and guide children to use the Internet in a scientific, civilized, safe, and rational manner, and not to be addicted to the Internet. (*Articles 4 and 5*) The Regulation also imposes obligations on three types of businesses: (i) network product and service providers, (ii) processors of personal information (of a minor), and (iii) smart terminal product manufacturers and sellers.

The consequences of violating the Regulation are substantial. Depending on the violation, businesses can be subject to fines of up to 1 million RMB, or up to 10 times of the illegal gains (if the illegal gains exceed 1 million RMB). Violators can also be subject to administrative penalties such as warnings, suspension of business, website shutdown, or even revocation of relevant permits or business licenses (with accompanying ineligibility to reapply within five years).

Read the full article [here](#).