

# Judicial rule specifies penalties for personal info encroachment

China's top court and procuratorate on Tuesday jointly issued a judicial interpretation, stipulating that those who illegally obtain, sell or provide 500 pieces of data related to personal credit or property information could face a prison term of up to seven years.

The interpretation, by the Supreme People's Court and the Supreme People's Procuratorate, was the first document of its kind to ensure data protection for citizens personal information.

The Criminal Law states that those convicted of selling or providing personal information to others could face a maximum sentence of three years if "the circumstances are serious," while if "the circumstances are especially serious," violators could face up to seven years in prison.

The interpretation clearly defines situations considered "especially serious," including illegally obtaining, selling or providing 500 items of data about a person's location, communication content or their credit or property information; 5,000 items of communication record, accommodation, health or transaction information; or 50,000 items of personal information other than the aforementioned types.

Should violators make more than 50,000 yuan (US\$7,239) from their underhand activities or their crimes are linked to the death, serious injury, mental disorder or kidnap of people, their offenses will be considered "especially serious," according to the new rule.

Under the interpretation, fines for violators shall be between one to five times of their illegal gains.

The move came amid increasing public outcry against rampant online and telecom fraud spreading across China, which has led to significant property losses and social instability.