



Employee Data Privacy – China

Employee Access Rights

Do individuals have the right to access their personal information?

Data protective jurisdictions tend to guarantee the right of individuals to contact an organization directly and find out whether personal data is being tracked. Access procedures and acceptable exceptions (such as business secrecy) are determined by law and may be subject to the control of data protection authorities. In the context of HR, personal data access requests can include information tracked by the company as well as data tracked by third-party solutions, such as background check vendors.



Employee Rights

The Personal Information Protection Law (PIPL) (Chapter 4) also gives data subjects certain rights, which are applicable to employees in relation to

personal information processed by the employer. This includes the right to:

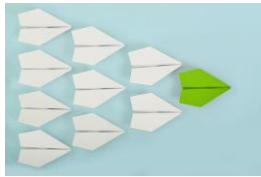
- access and to a copy of their personal information (Art. 45);
- correction and supplement (Art. 46);
- deletion, in certain circumstances (Art. 47);
- transfer (this appears to be a right to data portability, Art. 45);
- request details of processing (including automated decision making, and the right to refuse such decision) and handling rules (Arts. 24 and 48);
- withdraw consent (Art. 15); and, the right to
- object to and restrict the processing of their individual data (Art. 44).

Data subject requests should be addressed in a timely manner by data controllers. Data subjects may also bring civil action against a data controller refusing to honor their data subject rights.

Personal information handlers must establish convenient mechanisms to accept and handle individuals exercising their rights. If an individual's request is rejected, the personal information handler must explain the reason for the rejection.

UKG HR COMPLIANCE ASSIST

Data Processing Notice



Personal Information
Handlers must explicitly,
truthfully, accurately and
fully notify individuals of

the following items, using clear and easily understood language, prior to handling personal information (except when there are other laws or administrative regulations that provide that confidentiality must be preserved or that notification isn't necessary) (Art. 17):

- the personal information handler's (i.e., the employer's) name and contact information;
- the purpose of the personal information handling, the handling methods, and the categories of personal information processed;

- how data subjects can exercise their rights; and,
- any other terms required by law or administrative regulation.

Data subjects must be informed of any changes to the information provided.

If an employer, or other data controller, transfers personal information outside of China, the data processing notice also must include:

- the data importer's name and contact details;
- the data importer's processing purposes and methods;
- categories of personal information transferred; and
- how to submit requests to the data importer to exercise individual rights.

Last updated September 2022.

DISCLAIMER: The information contained in this document is for general information purposes only and is not intended to be a source for legal, tax, or any other professional advice and should not be relied upon as such. This information is not intended to create, and the receipt of it by the reader does not constitute, an attorney-client relationship. All legal or tax questions or concerns should be directed to your legal counsel or tax consultant. Laws and regulations may change and UKG Inc. ("UKG") cannot guarantee that all the information in this document is accurate, current or complete. UKG MAKES NO REPRESENTATION OR WARRANTIES WITH RESPECT TO THE ACCURACY OR COMPLETENESS OF THE DOCUMENT OR THE INFORMATION OR CONTENT CONTAINED HEREIN AND SPECIFICALLY DISCLAIMS ALL REPRESENTATIONS AND WARRANTIES INCLUDING BUT NOT LIMITED TO ANY EXPRESS OR IMPLIED WARRANTIES OF MERCHANTABILITY, SUITABILITY, OR COMPLETENESS OF THIS INFORMATION. TO THE EXTENT PERMITTED UNDER APPLICABLE LAW, NEITHER UKG, NOR ITS AGENTS, OFFICERS, EMPLOYEES, SUBSIDIARIES, OR AFFILIATES, ARE LIABLE FOR ANY DIRECT, INDIRECT, INCIDENTAL, SPECIAL, EXEMPLARY, OR CONSEQUENTIAL DAMAGES (INCLUDING PROCUREMENT OF SUBSTITUTE GOODS OR SERVICES, LOSS OF USE OR PROFITS, OR BUSINESS INTERRUPTION), EVEN IF THE UKG HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES, ON ANY THEORY OF LIABILITY, WHETHER IN CONTRACT, STRICT LIABILITY, OR TORT, ARISING IN ANY WAY OUT OF THE USE OF OR INABILITY TO USE THIS INFORMATION. This document and the content are proprietary and confidential information of UKG. No part of this document or its content may be reproduced in any form, or by any means, or distributed to any third party without the prior written consent of UKG © 2022 UKG Inc. All rights reserved.